PRESERVED

App. F. IX-4

Previous References. 1942-43 (Legis)

File No. 51, 52, 53 & 54

Serial Nos. 1 - 1 - 1 - 1

Later References.

41

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for · January 1943

SUBJECT

The Mysore District Boards (Amendment) Act 1943

The Mysore city Municipalities (First Amendment) Act 1943

The Mysore Town Municipalities (First Amendment) Act 1943

The Mysore Minor Municipalities (First Amendment) Act 1943

To

The Compiler Mysore Gazette

Order Nos RL 747- Legis 51-42-1 dated 30th Jan 1943

Order No RL 748 - Legis 52-42-1 dated 30th Jan 1943

Order No RL 749 - Legis 53-42-1 dated "

Order No RL 750 - Legis 54-42-1 dated "

Directs the publication of the Acts as Act Nos X, XI XII and XIII of 1943

J. Venkatanarayanappa

14-2-1943

S-125
L

General and Revenue Secretariat | B File No. | of 194 1. | [App. F. III-2

Serial No.

D. O. letter no P. C. 75-41 dated 1-3-42 from the Deputy Comr Hassan Dist, stating that Mr. Y Dharmappa, president, Hassan Dist Board has been suspended under the Legal practitioners' Act by the High Court of Mysore for a period of six months and Soliciting orders

1) whether he may hold a byelection for a seat in the B.A and the Dist Board and

2) whether he should take charge of the presidents office and hold fresh election for the post.

The matter has not been officially communicated to this office by the High Court.

For orders if a copy of the judgment may be called for from the High Court.

Submitted with a draft letter to the Registrar High Court of Mysore

Law Secy 3/3/42 In the meanwhile, the Law Secy may be consulted & Opr for approval.

After [illegible], the Law Secy will be consulted.

Law Secy / Govt 3/3/42

SECTION 3 MAR. 1942

SECY. LAW DEPT. 881 3 MAR. 1942 GOVT OF MYSORE

NOTE—Cont. Sheet.

I have a Rembrt

3/3

W.D. 24155-40-3,000—23-10-41

Mr. Y. Dharmappa. - Dk Bd Rdr. Hassan

File No. 5125/L of 194 | General and Revenue Secretariat

Serial No.

No. L. 8018 dy 3.3.42 to the Regr. High Court of Mysore calls for a Copy of Judgment suspending Mr. Y. Dharmappa under the Legal Practitioners Act.

1) The Law Section may be Consulted. Vide Paras 4 & 5 of the above:

2) We may perhaps await the receipt of the Judgment so that the exact circumstances of the case - apart from the legal aspect - maybe known and correct decision arrived at.

Law Secy) 4/3/42

3) For perusal

Minister) L.J.S.) Hm 4.3.42.

4) Let us See the judgement

Hm 6.3.42

Hm 7.3.42

Letter no 2260/E.B. dated 19-3-42 from the Registrar, High Court of Mysore forwarding a copy of the judgment in which Mr. Y. Dharmappa has been ordered to be suspended under the L.P.Act; for a period of Six months

SECY. LAW DEPT 1890 1 12 1942 GOVT OF MYSORE

OFFICE OF THE MINISTER FOR L. S. G. & P. H. Date 6.3.1942 No. 5367

5-5-42 High Court Judgment - Mr. Y. Dharmappa 5/42

L

5 LB 241

General and Revenue Secretariat | LB File No. | of 1941. | [App. F. III—2

Serial No.

Flag 'G'

1) A copy of the Judgment in Mr. Dharmappa's case, received to-day from the Registrar, High Court of Mysore, is placed below for kind perusal in the first instance from Secl. with reference to para 10 supra
19.3.42

2) may be submitted to the Minister L.S.G. Dept. for perusal in the first instance — Reference para 10 supra

3) It will thereafter be sent to the Law Section for scrutiny of the legal points involved in the case & on the point referred to by the D.C. Hassan vide

Yes. early

Law Secy) 19.3.42

4) For perusal.

Minister L.S.G.)

Hm 2 19.3.42

5) H.S. 25.3.42

6) The Law Section may examine the position very early

Hm 2 25/3/42

25/3/42

OFFICE OF THE MINISTER FD. L. C. G. & P. H. Dated 19.3.1942 No. 5734

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

4

File No. of 194 . | General and Revenue Secretariat.

Serial No.

17) The order of the High Court in this case is as follows:-

"The order of the Court is that Mr. Y Abeysekera Pleader, be suspended from practice for six months from this date & that he do pay the costs of these proceedings into this Court before he is permitted to resume his practice.

18) It is now represented that he has not renewed his Pleadership certificate for this year. The Certificate will not be renewed until the period of suspension has expired & until the costs have been paid."

19) This order was passed on 24.2.42. So when the order was passed by Mr. Abeysekera had no certificate, authorizing him to practise in Kassam Courts - but when action was started against him by the High Court under the Legal Practitioners act, 9 March, he had his Certificate with him & he could practise.

20) The question therefore is, whether the order of the High Court, amounts to a disqualification under Sec 10 (1)(A) of the B.R. Act or not?

21) Sec 10 (1) (A)(f) of the Act is as follows:- "No person may be a member of a District Board (f) who is a Legal

Serial No.

practice, when Sanad has been suspended by the High Court:

The question is does the High Court's order correspond with the provisions of Sec 10(1)(A)(4) of the L.R. Act?

When the day the High Court passed the order, Counsel for Respondent had no "Sanad" — hence there was no 'Sanad' to suspend. The High Court's order is that if the Respondent wants to renew his 'Sanad', he cannot renew it, till the lapse of 6 months from the date of the order. In other words the effect of the order of the High Court is that the Respondent's right to practise has been suspended for a period of six months. So long as the Respondent's name is on the Roll of Pleaders, he has a right to practise, & this right he possesses till his name is struck off the Rolls. Thus, even without the Sanad, he retains his right to practise — & the order of the High Court this right has been suspended for a period of six months, but his 'Sanad' has not been suspended by the order of the High Court, for, there was no Sanad at all then.

My view, I wish to draw distinction on two points — (one) (1) to be on the Rolls of the High Court; ~~and thus~~ gives the Pleader a right to Practice; & second the Act, a Legal Practitioner is defined as an Advocate or Pleader

NOTE—Contn. Sheet.

WD 01955—GPE—22,500—12-6-34

enrolled under the Legal Practitioners Act, & a Pleader can get himself enrolled under Sec 8 of the Act. It is under Sec 9 of the Act, that a Pleader has to renew his Certificate & as per the Rules, if the Certificate is not renewed, the Pleader cannot practise in any Court; but, as he is on the Rolls, he has the right to practise.

Thus, I feel that Sec 10 (1) (A)(i) applies to practising Lawyers, & not to Lawyers who have the right to practise & yet are not practising Lawyers. The order of the High Court asserts that at the time the order was passed, the Petitioner was not a practising Lawyer, as such only his right to practise has been suspended.

But if 'Pleader' is interpreted to include also "right to Practise", then the order of the High Court amounts to a disqualification under Sec 10 (1) (A) of the Act.

No doubt in 22 Cal A.I.R P. 516 the Courts have held in the Case of R. K. Bose, that the reference against him may be dropped, as R. K. Bose has not renewed his Certificate that Year. But we cannot go behind the orders of the High Court, & we are not bound by that decision. As a matter of fact, there is a Patna decision (A.I.R. 1932

Serial No.

Patna 300, wherein it is held that the Legal Practitioners Act can be applied to a Pleader even when he has not renewed his certificate so thus, Stephens -vs- High Court - decision.

2) If 'Pleader' is interpreted to include "Vakil" the right to practice", then sub-sec 10(1) A (+) read along with sec 12(1) of the District Boards Act, the Chairman cannot remain any longer the member of the District Board & his seat will be deemed to be vacant & it has to be filled up either by election or appointment as the case may be, & the elected man will be on the seat for the rest of the period.

3) The most important Question to be answered is whether sec 17(2) of the District Boards Act is applicable to this case or not & the Chairman's non-seats. Any answer is on the negative. The proper section applicable to the facts of the case is sec 21(c) of the District Boards Act, which lays down that, during the vacancy of the President's seat, the Vice President can exercise sec 21(c) of the Act - exercise the powers and perform the duties of the President pending the succession, appointment

NOTE—Contn. Sheet.

It is now represented that he has not renewed his Pleadership Certificate for this year. The Certificate will not be renewed until the period of suspension has expired and until the costs have been paid."

(2) The question for consideration is whether the order of the High Court in the above case will attrac the disqualification mentioned in Section 10(1)(f) of the District Boards Act. Section 10(1)(f) reads thus:- "No person may be a member of a District Board who is a legal practitioner whose sannad has been suspended by the High Court." In this case, it was brought to the notice of the High Court that Mr. Dharmappa was a Pleader, who had not renewed his Pleadership Certificate for the year 1942. Thereupon the High Court ordered that the Certificate would not be renewed till the period of suspension expired and until the costs paid. It is this part of the order that has to be construed in connection with the continuance of his membership of the District Board.

(3) If Mr. Dharmappa had been an Advocate or a Pleader, who had renewed his Certificate for the year 1942, there could not have been any room for doubting his incurring the disqualification under the District Boards Act.. In the year 1942 and the date on which

the order was passed, he could not practise in Courts as he had not renewed his certificate, which he ought to have done under Section 9 of the Legal Practitioners Act, if he intended to practise.

9/6) There are two views with respect to the construction of the order of the High Court. One view is, that the order of the Court read as a whole, implies that Mr. Y. Dharmappa was treated as a Legal Practitioner by the High Court and was dealt with under the Legal Practitioners' Act and his sannad was suspended for a period of six months, even though he had not renewed his certificate. If this view is acceptable, then the disqualification contemplated by the District Boards Act attaches itself to Mr. Dharmappa and he cannot continue to be a Member of the Board. The other view is that this is not a case of suspension of the sannad, but only a postponement of the granting of the application of Mr. Dharmappa, if he should apply to practise, for a period of six months and this power the High Court has under Section 9 of the Legal Practitioners' Act. There cannot be any doubt that even, if a person, who had not been a Pleader, applies to the High Court for being enrolled as a Pleader, the High Court may decline to grant his application or may postpone it or allow him to renew his application after a certain period. These ~~cases~~ would not be cases of suspension of sannads, but cases declining to grant applications to practise for a period, which the High Court may think proper, for some special reason of their own. It may also be noticed,

NOTE—Contn. Sheet.

Serial No.

that unless a Pleader renews his Certificate under Section 9, he cannot practise in any Court. According to the rules framed by the High Court, if a renewal is not done before the end of the calendar year and an application made later, an affidavit has to be filed that such a person did not practise during the interval in any Court of Law. So, a practitioner, who does not renew his certificate cannot practise in any Court of Law. The use of the word "is" in Section 10(1)(f) seems also to contemplate the case of a practising Pleader and the use of the word "suspended" supports the same. It is an accepted principle of law that in construing a penal clause, the construction most favourable to the person to be penalised has to be adopted. If Section 10(1)(f) of the District Boards Act is construed in that manner, perhaps, Mr. Dharmappa may not incur the disqualification.

A

DEWAN'S OFF
10 APR 42
8786

OFFICE OF THE MINISTER
FOR L. S. G. & P. H.
Date ...10...4...1942
No....6283...

Minister
L.S.G.)

Hm
2
10.4.42

37) I am inclined to agree with A.

VG.
10.4.42

38) I sympathise with Mr Dharmappa but it is impossible to hold, without resorting to legal quibbling, that he has not forfeited his seat. We should accept that position & take further action — unless Mr Dharmappa resigns his seat and makes a ruling unnecessary

Mee
15/4/42

Serial No.

OFFICE OF THE MINISTER FOR L. S. G. & P. H.
Date 16.4.1942
No. 6645

DEWAN'S OFFICE
1. MAY 1942
NO 9391

for perusal
Minister (L.S.G.)

Hm 2 16/4/42

(1) This was discussed in Council and it was decided that a reply be issued that the vacancy that is going to occur in the Law Office as there was no need for a re-election as there is no vacancy

22/4/42

Law Sec)

(2) A.D.J.N. may be put up.

Hm 2 23.4.42

(3) D.E.N. put up.

24/4

Lawsec) 24/4/42

(4) D.J.N. submitted.

Minister (L.S.G.)

Hm 2 25/4/42

25/4

1.5.42

Signed Copies of J.N. put up.

1.5.42

GOVT. LAW DEPT. 3405 - 24 APR. 1942 GOVT OF MYSORE
OFFICE OF THE MINISTER FOR L. S. G. & P. H.
Date 22.4.1942
No. 6681

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

doubting his incurring the disqualification under the District Boards Act. On the day the High Court passed the order, Mr. Dharmappa was not a practising Pleader and could not practice as he had not renewed his certificate and as such there was nothing to suspend under Section 10 (1) (f). The order of the High Court would, in effect, be only a postponement of the granting of the application of Mr. Dharmappa, if he should apply to practice for a period of six months. The case was informally discussed at a Meeting of the Council of Ministers and it was decided that a reply be sent to the Deputy Commissioner that, as there was no vacancy, there is no need for a re-election.

4) I beg to submit the papers to His Highness for His gracious perusal before taking action as decided in the Council.

Bangalore
1st May 1942.

H. B. Gundappa

M I N I S T E R ,
Local Self-Government and Public Health.

Submitted to His Highness.

50 I submit herewith a Final Note by the Minister for Local Self-Government and Public Health on the question of disqualification of Mr. Y. Dharmappa as Member and President of the District Board, Hassan, for His Highness's gracious approval.

51 The High Court of Mysore took action against Mr. Dharmappa under the Legal Practitioners' Act for having made some unfounded allegations against the Munsiff of Hassan and ordered that Mr. Dharmappa be suspended from practice for a period of six months from the date of the order. As it was observed that Mr. Dharmappa had not renewed his Pleadership Certificate for the year, the High Court further ordered that the Certificate would not be renewed until the period of the suspension expired. On the strength of this decision, it was decided that Mr. Dharmappa could not continue as a member of the Representative Assembly as the provisions of the Government of Mysore Act were clear on the point and orders were accordingly issued in the matter.

52 The question whether Mr. Dharmappa could continue as a member (and the President) of the District Board was also examined. According to Section 10 (1) (f) of the Mysore District Board Act "no person may be a member of the District Board who is a legal practitioner whose sannad has been suspended by the High Court". The Council of Ministers were of opinion that as Mr. Dharmappa had no pleaders' sannad in force at the time, he had not legally incurred the disqualification. In arriving at this decision, the Council proceeded on the assumption that where the forfeiture of the civil rights of a person was involved, the law should be construed strictly, and even literally. But as this has the unintended effect of enabling a person to evade the consequences of his conduct, it is, I think, necessary to amend the relevant sections of the District Board Act and also of the Municipalities Acts so as to bring them into line with the provisions of the Government of Mysore Act, the phraseology of which is more exact and gives no room for doubt.

N. Madhava Rau

DEWAN.

Bangalore,
4th May 1942.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Question of disqualification of Mr. Y. Dharmappa as Member and President of the District Board, Hassan.

Order.

53

5/5/'42.

No. 861

Immediate

C 965

54)

Action may be taken immediately to amend the S.B. & other Acts as suggested in my submission note. The bills must be put through at the next R.A meeting

7/5/42

Minister
L.S.G.) For perusal

sb 8/5/42

General and Revenue Secretariat.

C 965

SUBJECT:—

Question of disqualification of Mr. Y Dharmappa as Member and President of the District Board, Hassan.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or ndications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules for the conduct of business of Council in the Mysore Government Business Rules.) (*)

8/5

Chief Secretary to Government.

Through the Secretary to Government,

...L..a..W.....Department. Hm 8/5/42

6920
9-5-42

Minister for Finance and Revenue. (Seen)

57

1164
11/5

Minister for Law. 12-5-42

Minister for Education. (on leave)

58

6999
8.5.42

Minister for Local Self-Govt. and Public Health. 9.5.42

Law dy with compts) 57 Hm 13/5/42

NOTE.—Contn. sheet

WD 06360—GPB—500—23-3-42

12/5

BKR 13.5.42

Serial No.

OFFICE OF THE
MAY 15 1942
No. 11818

cases in which it would be proper for the Govt to exercise their discretion to reduce the period of disqualification. It is safer to retain such a power than feel helpless when special circumstances may demand the exercise of such a power in suitable cases.

If The draft Bill may be approved.

Minister
L.S.G.
Minister for Law
Devan

Hm
14/5/42
fmm
15/5/42

OFFICE OF THE MINISTER
FOR L. S. G. & P. H.
Date 15.5.1942
No. 7191

3 The decision of the Committee may be communicated to the D.C and the file resubmitted when I shall speak to the Secretary regarding the amendment.

15.5.42

18

15/5

Hm
15/5/42

Read at 5-45 P.M
15.5.42

4 Submitted with a draft letter as directed

15.5.42

To the D.C. Pattukkottai

and L 10939 dated 15th March

Informing him that as per the

NOTE—Contn. Sheet

File No. 1177/A of 194 .

General and Revenue Secretariat
R. A. & L. C.

Serial No.

Vacancy, there is no need to hold a re-election

Resubmitted as per minute as directed above.

Minister Lds (PPO) for 15/5/62

OFFICE OF THE MINISTER FOR L. S. G. & P. H.
Date 16.5.1962
No 7258

1st The amending bill may be and the lines of sec 20(1). G. of the purpose act and in the statement of principles is hereby be said clear with the object of bringing the Bd Boards act with the recent purposes act, the amendments is proposed. This may be attended to early.

Dy.
17.5.62

Cur
18-5-62

Secy (R. & W.C.) for
18/5/62

BKR
18-5-62

74 A Revised Bill on the lines of the Govt. of Swpne Act is put up as ordered by the L.S.G. Minister above A

The Dt. Boards & Municipal Acts amendments

General and Revenue Secretariat R. A. & L. C. | File No. | of 194 . | App. F. III-2

Serial No.

revised St. of Principle is also put up as ordered.

75 In regard to the Bill it is submitted that if the word "debarred" is replaced by the word "dismissed." the language will be in keeping with that of the Legal Practitioners Act.

76 I agree BKR 20.5.42

76 Further the words "from Practising as such" appear superfluous. They do not occur in the Legal Practitioners Act when the word "Suspend" is used by itself. Their omission will also obviate any possibility of an argument being put forward that Suspension in some Case may not be Suspension from Practising as such (as a legal Practitioner)

77 I agree BKR 20.5.42

77 After the Bill is approved similar Bills will be drafted for the Municipal Acts.

20 5 42

Secy RA & LC)

So the Bill as drafted follows the wordings of the Govt of Mysore Act, and I feel that the two changes suggested above are desirable and may be adopted

81 The Bill has been ordered to be placed before the evening Session of the R.A, and the agenda will have to issue to-morrow

BKR. 20.5.42

Law Secy)

NOTE—Contn. Sheet.

The District Boards and Municipalities Acts Amendments

File No. 1194/42 of 194 .

General and Revenue Secretariat R. A. & L. C.

Serial No.

82 S 10 of the Legal Practitioners Act uses the words suspended or dismissed but if the changes suggested may be adopted & approved

Cus
20-5-42

(or rejected) Minister L.S.G.
Minister for Local Govt
Minister for Law

BXR
20.5.42

MAY 20 1942 No. 1975

OFFICE OF THE MINISTER FOR L. S. G. & P. H. Date 20.5.1942 No. 7364

83 Vtg
20.5.42

84 Similar Orders may be drafted for the Municipal Acts

Cus
20/5/42

85 Mr
20/5

BXR
20.5.42

86 Mr
21/5/42

Cus
21-5-42

BXR
21.5.42

87 action to be taken today. Copy to be sent to Translation Section etc.

BXR
21.5.42

88 Action has been taken to forward copies of the Orders to the Press & Translation Branch.

DSR
21.5.

BXR
21.5.42

The Mysore District Boards and Municipalities (Amendment) Bills

General and Revenue Secretariat | File No. | of 194 . | [App. F. III-2

Serial No.

90 In the bills amending further the portion relating to the period of disqualification commencing at the period of suspension (as in cases where there is ~~no application~~ for re-election

91. And as personally instructed to cover cases in which the Minister has not renewed his certificate

Govs
15-10-42

Ag/Sec/Rev

BOR
16.10.42

16.10.42

92)

The Necessary extract from the Speech of the Minister for L.S.G during the discussion in the R.A. of the District Boards (Amendment) Bills is put up for perusal.

"The portion relating to the period of suspension viz, 'the disqualification being operative during the period of such suspension or the term of the Municipal Council whichever is longer' will be reconsidered if desired."

NOTE—Cont. Sheet.

24
6-11-42

WD 04155--GPB--55,000--23-10-41

93 Reference is invited to paras 90 and 91 wherein an amendment of the Bill has been directed.

94 In the Assembly the Minister for L.S.G. stated that the question of the period of disqualification in the case of suspensions would be reconsidered.

95 As the Districts Boards Act stands at present, where a member being a legal practitioner is dismissed by the High Court the period of disqualification is 3 years (proviso to Section 10). In the case of suspension, the period of disqualification is the period of suspension (Section 10(1)(f)

96 Under the Bill a Legal practitioner who is dismissed can never be a member of district board. Where he is suspended, the period of disqualification is the period of suspension or the term of the district board whichever is longer.

97 The principle on which this Amending Bill is based is set out in the statement of principles to be "to bring the District. Boards Act in line with the Government of Mysore Act in respect of this disqualification. It is submitted that the Bill as drafted gives effect to this principle which underlies the Bill and any change in the Bill would negative this principle which is fundamental to the Bill.

98 This question was considered in June 1942 when this Bill was first proposed to be placed before the Assembly

and an amendment had been sent up by a member. The discussion in the file on that occasion is for perusal. The reasons which were advanced for opposing any change in th Bill as now drafted are also given there. If there should be a change in the Bill, it is submitted that it may not be possible to proceed with the Bill in the Legislative Council as the amended Bill will not be the one, the principles of which have been approved by the Assembly.

99 The reason for making the disqualification in the case of suspension to be operative during the period of such suspension or the term of the district board whichever is longer is to prevent the possibility of two persons claiming to be members for one seat where a re-election is held and the re-elected member as well as the person whose period of suspension has expired claim membe ship. Further, if the period of suspension is made to be dependent on the exact time when a re-election is held it is submitted that in such a case the actual period for which any particular member would be disqualified under this provision would be made to depend on the circumstances whether a bye-election is held early or late. In other words, the disqualification imposed by law will act differently on different persons dependent on the exercise of discretion by an officer and it is submitted that it may not be a proper mode of imposing disqualifications.

NOTE—Contn. Sheet

File No. of 194 .

General and Revenue Secretariat
R. A. & L. C.

Serial No.

10 With reference to para 91 of the note, it is submitted that the Legal Practitioners Act contemplates only two kinds of punishments, firstly one of dismissal and secondly that of suspension (section 10). It is true that the Bill does not appear to provide for cases when a legal practitioner has not renewed his certificate, though the decision of the High Court in such cases may be deemed to be an indication of what the action of the High Court would be if he applied for a renewal of the certificate within the period of suspension.

10 This Bill may perhaps be amended as follows in order to cover these cases also: if, having been a legal practitioner, he has been dismissed or is under suspension (or is prohibited from applying for renewal of his certificate for a stated period) by order of a competent Court, the disqualification in the latter ~~two cases~~ being operative during the period of such suspension or prohibition, as the case may be, (or the term of the district board whichever is longer,) or it does not appear to be permissible to amend the Bill after it has been placed before the Representative Assembly and approved by it. If approved a motion may be included in the Legislative Council agenda for effecting this amendment when the need for it may also be indicated in moving the amendment.

10.11.42

Secy
R A Se

No portfolio should be made to read the Ordinance

Secy.
19.11.42

Serial No.

3781

DEPT. 496 1942 MYSORE

102 The Bill may perhaps be introduced in the Council as passed by the Assembly; and the underlined portion (in the last para on the previous page) moved as an amendment to the concerned clause.

BKR 11.11.42

Law Secy.

103 The amendment is necessary & is suggested as instructed by me.

104 The procedure indicated in paragraph above may be adopted

Chief Sec. 11-11-42

Chief Sec. & Dewan

BKR 11/11/42

OFFICE OF THE MINISTER FOR L. S. G. & P. H. Date 11.11.42 No. 3765

105 The bill as passed in the Assembly may be published and the promise made in Assembly may be implemented at a later stage.

13.11.42

106 The bill may be published

107 Dewan 16.11

Chief Sec. 13-11-42

BKR 13.11.42

Chief Sec. 14-11-42

BKR 16.11.42

Chief Sec. 16-11-42

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

Mysore District Boards and Municipalities (First Amendment) Bills

File No. of 194 | General and Revenue Secretariat.

Serial No.

Draft Notifications are put up for approval

24/17/11/42

109 Issue today & Put up on 12-4-43

To

The Compiler Mysore Gazette

Issued No RL 593 Legis 32-42-1 dated 17-11-42

No RL 595 Legis 33-42-1 dated 17-11-42

No RL 597 Legis 34-42-1 dated "

No RL 599 - Legis 35-42-1 - dated "

Directs the publication of the Notifications under rule 36 of the Mysore Legislative Rules

Publication of the Bill has been directed.

Reference is invited to the Ministers minute at para 105.

These Bills being short, and involving only one amendment may not require sending to a Select Committee.

If approved Despatches will be taken for Consideration and passing and the Change now proposed will be brought up as an amendment in the name of the Law Secy.

The following Notifications are

Dr. Dist Boards & Municipalities (First amendment) Bills

General and Revenue Secretariat | File No. 283/M of 194 . | [App. F. III—2

Serial No.

Municipal Council, whichever is longer" be omitted.

These amendments are in accordance with the orders passed above.

Sec'y (A & R)

20.11.42

BKR 20.11.42

Law Sec'y)

a Suitable amendment may not be necessary to be made in the Statement of Objects & Reasons by omitting reference to the Govt. of Mysore Act.

Mins. to A.-S.G.

20.11.42

BKR 23.11.42

26.11.42

Mr. T.V.

26-11-42

BKR 26.11.42

23.11.42

OFFICE OF THE MINISTER FOR L. S. G. & P. H.
Date 23.11.42
No. 4057

Draft and fair of a notice to the Secretary, Legislative council, is put up for approval. The draft is for approval

28/11/42

28.11.42

Sec'y (A & R)

30.11.42

BKR 30.11.42

Law Sec'y)

Issue

30-

1.12.42

NOTE—Contn. Sheet.

WD 04155—GPB—55,000—23-10-41

Mysore District Boards and Municipalities (First Amendment) Bills

File No. 283/R1 of 194 .

General and Revenue Secretariat

Serial No. 4204

For perusal of the amendments proposed to be moved

Dewan

Gen 2-12-42

BKR 2-12-42

NLL 2/12/42

Gen 3-12-42

BKR 3-12-42

Mv-T.V. 4-12-42

These four Bills were introduced in the Legislative Council during its recent Session and taken into consideration. All the amendments of which notice had been given by the Law Secy were accepted, and the Bills, as amended were finally passed.

Copies of the Bills as finally passed have been signed by the President and are submitted herewith.

Draft Statements of D. F. N., are putting

The Mysore District Board Municipalities (Third amendment) Bills

General and Revenue Secretariat R. A. & L. C. | File No. 283 | RL of 194 | [App. F. III–2

Serial No.

5403

herewith for approval

W. 23-12-42 BNS 24/12

Please put up one D.F.N for all the four Bills

BNS 26.12.42.

As directed above, one D.F.N for all the four Bills is submitted herewith

W. 26/12/42 BNS 26/12

BNS 30.12.42

Law Secy)

SECY. LAW DEPT. 786 GOVT OF MYSORE

D.F.N. submitted

Mr. Lee 2-S 9

Cus. 30/12/42

B.V.J. 3.1.43.

OFFICE OF THE MINISTER FOR L. S. G. & P. H. Date 31.12.42 No. 5239

F.N. submitted and signed

Resubmitted

Mr. Lee 2. S 9

Cus 3-1-43

OFFICE OF THE MINISTER FOR L. S. G. & P. H. Date 8.1.43 No. 5281

BKR 5-1-43

Two Signed F.N. put up.

BR 9/1/43.

Copies of the Bills signed by the president legislative council are put up (Flag i)

W. 11-1-43

A.D.S.N is submitted herewith

W. 11-1-43 BVN 11/1

Secy (A.T.-Le)

BNS 11.1.43

BKR 11.1.43

Law Secy)

NOTE—Cover Sheet

SECY. LAW DEPT. 8276 GOVT OF MYSORE

S.N. submitted

Cus 12-1-43

BKR 12.1.43

FINAL NOTE BY THE MINISTER FOR LOCAL SELF-GOVERNMENT AND PUBLIC HEALTH.

Subject:—

Promulgation of the Mysore District Boards and Municipalities (First Amendment) Bills.

------ : 0 : ------

The gracious approval of His Highness was accorded on the 5th May 1942 to amend the relevant sections of the District Boards Act and of the three Municipalities Acts in the matter of disqualifications of Legal Practitioners who have been dismissed or suspended, in respect of membership of local bodies.

The Bills together with the statements of general principles were placed before the Representative Assembly at its Dasara Session in 1942 and had its approval. They were thereafter introduced in the Legislative Council at its recent session in December 1942, and motions for an amendment to each of these Bills tabled by the Law Secretary in order to implement certain promises made in the Representative Assembly were moved and passed. Finally the Bills as amended were also passed by the Council.

Copies of the Bills so passed and signed by the President, Legislative Council, in accordance with Order 44 of the Legislative Council Standing Orders are submitted herewith.

I solicit the gracious sanction of His Highness to promulgate the four Bills into Law.

M. B. Gundappagowda.

M I N I S T E R,
Local Self-Government & Public Health.

Camp Davangere,
8th January 1943.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Local Self-Government and Public Health on the subject of the promulgation of the Mysore District Boards and -- Municipalities (First Amendment) Bills for His Highness's gracious sanction.

N. M. Dewan

Dewan.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Promulgation into law of the Mysore District Boards and Municipalities (First Amendment) Bills.

Order.

15/1/'43.

No 498

16/1

Chief Secy
16/1/43

283/M. C647

General and Revenue Secretariat.

SUBJECT:—

Promulgation into law of the Mysore District Boards and Municipalities (First Amendment) Bills.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

16/1

Chief Secretary to Government.

Through the Secretary to Government,

.....Law.....Department. 16-1-43

5895/20.1.43 Minister for Finance and Revenue. 21.1

Minister for Law.

3455/25/1 Minister for Education. 26.1.

5503/16.1.43 Minister for Local Self-Govt. and Public Health. 19.1.43.

Law see o/cs

26/1

27-1-43

NOTE.—Contn. sheet

WD 0718—GPB—1,000—11-9-42

Mr 2.V

27.1.43

27.1.43

The Mysore District Boards and Municipalities (Third Amendment) Acts

General and Revenue Secretariat
R. A. & L. C.

File No. of 194 [App. F. III–2

283/R1

Serial No.

The gracious assent of His Highness the Maharaja has been accorded on 15th/11 Jan 1943 to promulgate the Bills into law

Draft G.O's directing the publication of the Acts as Acts No X, XI, XII and XIII of 1943 are submitted for approval

28-1-43

28-1-43

Secy (A-Le)

28-1-43

Law Secy)

29-1-43

29-1-43

To the compiler Mysore Gazette

Attached Nos R 747 - Legis 5-1-42-1 dated 30-1-43
" R 748 - Legis 5-2-42-1 dated 30-1-43
" R 749 - Legis 5-3-42-1 dated "
" R 750 - Legis 5-4-42-1 dated "

Directs the publication of the Acts as Acts No X, XI, XII and XIII of 1943.

2-2-1943

NOTE—Contn. Sheet

Mr. T.S. Rajagopala Iyengar has given notice in time, of certain amendments to the four bills dealing with the disqualifications of legal practitioners. His intention is perhaps to limit the period of disqualification in the case of suspension to the actual period of such suspension. But the amendment will not serve this purpose. Because, in all the four acts, certain subsequent sections clearly provide that on a sitting member becoming disqualified, there shall be a vacancy and a re-election or appointment.—

The amendment may be opposed for the following reasons:

i) The Bill follows the Government of Mysore Act where a similar provision occurs;

ii) The Bill does not change the existing law; at present, the period of disqualification in the case of suspension is three years (Provisos to the relative sections).

Since the term of the Chamber is also normally three years, the disqualification has to be at least for the duration of the Chamber.

iii) When a sitting member is disqualified his seat becomes vacant and the vacancy has to be filled up. If the period of suspension expires during the term of the Chamber, it may

NOTE—Contn. Sheet.

District Boards (amendment) and Municipalities (amendment) Bills

Amendments

File No.. of 194 .

11 7 P L

General and Revenue Secretariat
R. A. & L. C.

Serial No.

be open to argument that the unseated member automatically reverts to his membership when there would be two persons claiming to be ~~persons of~~ members for one seat.

MAY 30 1942
No 12255

Further, if the suspension is for a short period and it expires before a re-election is held, the member would be entitled to stand for a re-election. Such a right is not available under the Government of Mysore Act. If the provisions of all these acts have to be uniform in this respect, the amendment has to be opposed.

30.5.42

Secy RR&LC

CKS

BXR 30.5.42

Law Secy

SECY. LAW DEPT. 30 MAY 1942 GOVT OF MYSORE

Minister for Law

Minister L-S-G

CWS 30-5-42

BXR 30.5.42

30-5-42

RM 31/5/42

Minister for L.S.G.

CWS 1-6-42

VKG. 1.6.42

OFFICE OF THE MINISTER FOR L. S. G. & P. H.
Date
No. 7630

~~CONFIDENTIAL~~

T. RAMAIYA, B.A., (HONS.)
DEPUTY COMMISSIONER.

HASSAN,

Dated the 1st March 1942

Dear Mr. Narayana Rao,

It is published in News papers that Mr. ~~Y. Dharma~~ Y. Dharmappa, Member of the Representative Assembly and Member and President of the District Board has been suspended under the Legal Practitioners' Act by the High Court of Mysore for a period of six months. A copy of the Judgment may kindly be obtained and Examined and instructions may kindly be issued (1) whether I may hold a bye-election for a seat in the Assembly and in the District Board and (2) whether I should take charge of the President's office and ~~xxx~~ hold a fresh election for the post. I am doubtful if section 17 (2) of the District Board Act covers a case of this kind.

Yours Sincerely,

H.V. Narayana Rao, Esq., B.A., LL.B.,
Secretary to the Govt. of Mysore,
Law Department, B A N G A L O R E.

Appendix F G—1]

SUBJECT.....

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Section

File No.

Serial No.

Diary No. of letter replied to.....

No. L8018

To

The Regr, High Court of Mysore

General and Revenue Secretariat

( )

the *19*

Date of issue 3rd March 1942

Signed by M. G. Ramachandra Rao.

Sir,

I am directed to request you to forward a copy of the judgment of the High Court of Mysore in which M. Y. Dharmappa, a Member of the R.A. and Pdt. of Holsur Dist. Bd. is reported to have been suspended under the D.P. Act, for a period of six months

I have Etc.

Hw 3/3/42

for Secy to Govt.

Law Depn.

List of enclosures.....

Copied by .....

Examined by 3/3

WD 03695—GPB—30,000—29-1-40

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

URGENT.

No. L 8018

Dated, Bangalore, 30 March 1942

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore.

Law Department.

To

The Registrar,
High Court of Mysore, Bangalore.

Sir,

I am directed to request you to forward a copy of the judgment of the High Court of Mysore in which Mr. Y. Dharmappa, a Member of the Representative Assembly and President, Hassan District Board, is reported to have been suspended under the Legal Practioners' Act, for a period of six months.

I have the honour to be
Sir,
Your most obedient servant,

for Secretary to Government
Law Department.

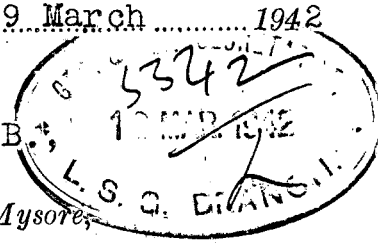
bv.2.

~~R. O. C. No.~~ 2260/EB
~~D. Dis.~~

HIGH COURT OF MYSORE,

H.H. 498 14.1.43

Bangalore, 19 March 1942



FROM

M. SAMAIENGAR, Esq., B.A., LL.B.,

~~T.V. SUBBIAH MUDALIAR, Esq., B.A., B.L.~~

Registrar, High Court of Mysore,

BANGALORE.

Read at 1.30 P.M. on 19.3.42

To

H.V. NARAYANA RAO, Esq., B.A., LL.B.,
Secretary to the Government of Mysore,
Law Department, BANGALORE.

SIR,

I am directed to forward herewith the Judgment in C.P. 19 of 1941-42 on the file of this Court, as desired by you in your letter No.L.8018, dated 3rd March 1942.

I have the honour to be,

Sir,

Your most obedient servant,

M. Samaiengar

REGISTRAR.

BY

ERA/-

No. 2260/42
19.3.42.

IN THE HIGH COURT OF MYSORE AT BANGALORE

Tuesday the 24th day of February 1942.

PRESENT

SIR D'ARCY NEILLY, CHIEF JUSTICE

and

MR. JUSTICE C. SUBRAHMANYA AIYAR.

CIVIL PETITION NO.19 OF 1941-42.

In the case of Mr. Y. Dharmappa, Pleader, Hassan, to whom a notice was issued by this Court calling upon him to show cause why he should not be dealt with under the Legal Practitioners' Act for misconduct in making certain scandalous allegations against the Munsiff of Hassan, in a letter dated 8th May 1941 to the Dewan of Mysore.

This petition coming on for final hearing this day, and after hearing the arguments of Messrs. A. Viswanatha Iyer and K.Govindarajulu for Respondent and of Mr. Kirle N.Lakshmanarayanappa, Advocate-General for Government the Court delivered the following:-

Judge

JUDGMENT

THE CHIEF JUSTICE:-

This is a most unpleasant case. In June 1941 the Government sent to the High Court a letter, dated the 8th of May 1941, which the Respondent, a Lingayet Pleader, practising at Hassan, had sent to the late Dewan, Sir Mirza Ismail, making very serious allegations against Mr. K. Visveswarayya, who had been Munsiff of Hassan since May 1939. Notice was given by this Court to the Respondent to show cause why he should not be dealt with under the Legal Practitioners' Act for making scandalous allegations against the Munsiff in that letter.

The letter began "As desired by you I beg to bring to your kind notice the following facts regarding the conduct of the Munsiff of Hassan, Mr. K. Visveswarayya, in his official capacity". Then follows the passage which was extracted in the notice issued to the Respondent:- "This Munsiff came to this Court two years back and it can be seen from the following case number that he has been completely communal and this communal spirit has pervaded all thr his judgments and orders and every proceed of his. He has been evincing systematic hatred towards non-Brahmin lawyers and al towards Brahmin lawyers who do not belon to his sect, he being a Kamme Brahmin. This Court instead of being a Temple of

is a place where injustice and sin is being perpetrated every moment". Then the letter went on to say that only a few Brahmin lawyers, close relations of the Munsiff, were able properly to represent their cases and others had no such scope, however good their cases might be. Then it went on that the Munsiff showed his communal feeling by appointing only Brahmins as guardians ad litem when such guardians had to be appointed by the Court. Then followed eleven specified cases, their numbers being set against six paragraphs as illustrations of the improper things the Munsiff had done. Finally, there was a statement that 75 per cent of the contested cases before the Munsiff were taken on appeal and 60 per cent of his decisions in such cases were reversed.

In answer to the notice issued to him by this Court the Respondent appeared on the 9th of October last and put in a written statement denying that he had been guilty of any misconduct. He did not withdraw his allegations nor express any regret for having made them; and he represented then that he would make his allegations good by evidence. The evidence, which he has offered -- and it is voluminous -- has been recorded by the District Judge of Mysore and in one instance by the District Judge of Bangalore.

It is admitted that the Respondent had an interview with Sir Mirza Ismail on the 7th or 8th of April 1941, When Sir Mirza was visiting Hassan as Dewan and that the interview was granted to the Respondent because he held various prominent positions unconnected with his profession. He was President of the District Board; he was a member of the Representative Assembly; and he was Secretary of the District War Propaganda Committee. In the course of that interview Sir Mirza Ismail asked the Respondent his opinion about the Munsiff, about whom it appears Sir Mirza himself had heard rumours. Then the Respondent made serious allegations to the Dewan. I do not think any complaint whatever can be made against Sir Mirza Ismail for having questioned a public man of the district about the rumours which he had heard. Sir Mirza Ismail was called, as it appears to me, rather unnecessarily, as a witness in this case by the Respondent and was examined in my opinion at quite unnecessary length. Nothing in the very least derogatory to Sir Mirza Ismail has been elicited. Sir Mirza was the Dewan of this State for a very long time and conducted the administration of the State with the greatest distinction and success. He took an interest in every department of

of the State and a great interest in the Judicial Department and its work, for which we ought all to be grateful to him. He says in his evidence that, after the Respondent had made allegations to him against Mr. Visveswarayya, he asked the Respondent to write down the specific allegations he wished to make, as he himself had no time to note what the Respondent said. There is a conflict between Sir Mirza's evidence and the Respondent's account of what took place between them at that interview. The Respondent represents that Sir Mirza directed him to make inquiries and collect particulars of complaints against Mr. Visveswarayya. Sir Mirza, being, as I think it must be recognized, generously anxious to do what he can for the Respondent in this case because he feels that it is through some carelessness of his that the Respondent's communication to him has come to light, has stated that he cannot definitely say that he asked the Respondent to get some more information but he welcomed the Respondent getting more information by way of specific instances about what he had alleged. Sir Mirza says that he does not think he realized at the time that the Respondent was a practising lawyer; and I think that, as we may see, is very probable indeed. It is impossible for us to believe that Sir Mirza Ismail

would have asked the Respondent, as the Respondent represents, if he knew that the Respondent was a practising lawyer, to employ himself as a secret and private agent going about to investigate the doings of the Munsiff and collect evidence against him. That would be an impropriety so grave that it would have been impossible for Sir Mirza Ismail to have committed it. But the evidence shows that the Respondent did go about making inquiries not only in regard to instances showing that the Munsiff had done anything wrong which he could find out but collecting opinions and talk about the Munsiff. And after the lapse of a month, when he had had ample time to prepare any case he wished to bring forward against the Munsiff, he wrote the letter, from which I have read the very extra-ordinary passage set out in the notice issued to the Respondent.

We must I think examine the statements in that letter with particularity. After the passage set out in the notice the letter goes on:- "Except a few Brahmin lawyers his close relatives like S.N.Narayana Rao, S. R. Srikantaiya and Rao Bahadur N.S. Nanjundiah, and 1 or 2 others also belonging to his sect, the others have no scope to properly represent their cases with little chance of winning in spite of

the best case they might have". Now it has been ascertained that of the three lawyers mentioned Mr. Narayana Rao and Rao Bahadur Nanjundiah are each connected with the Munsiff in the following way: each of them is connected by marriage with a man, who is himself connected by marriage with a cousin of the Munsiff. No reasonable man could represent that as a close relationship. So far as Mr. Srikantaiya is concerned, an relationship between him and Mr. Visveswa[illegible] is so distant that no one here has been [illegible] to tell us what it is. After a month's consideration the Respondent chose to m[illegible] a statement that all those gentlemen w[illegible] closely related to the Munsiff -- a f[illegible] which he could have verified with the [illegible] ease, if he had been interested in representing the truth. But he cho[illegible] make a false statement about them. [illegible] went on to say:- "Secondly in all [illegible] cases when lawyers have got to be [illegible] it is only Brahmins that are pref[illegible] (another proof of his communalism) It is astonishing to me that, e[illegible] Respondent wanted to make up th[illegible] the Munsiff, he should have dra[illegible] this comparatively petty matter of [illegible] guardians ad litem. We all k[illegible] it is seldom in a cas[illegible] where large [illegible] are concerned that it is necessar[illegible] to appoint a guardian. It u[illegible] the practice in most of the Cour[illegible]

cases where guardians had to be appointed by the Court to appoint officials of the Court. We thought that was not a proper course, and we directed subordinate Courts some years ago to appoint as far as possible junior practitioners in such cases with the idea that they might thereby get some experience and earn the very small remuneration, which is generally available in such cases. No reasonable man could regard the rather tiresome duty, which falls upon Judges in that way, to select guardians ad litem from members of the Bar as a serious matter of patronage. But we have looked at the list of appointments made by Mr. Visveswarayya. It happens that the great majority of practitioner at Hassan are Brahmins, and much the largest class among them are Kamme Brahmins. The tota number of members practising at the Hassan Bar is 47. Twenty of those 47 are Kamme Brahmins. Now the facts are that, while Mr. Visveswarayy has been Munsiff at Hassan, he has had to appoint Court-guardians in 47 cases --exactly the number of practitioners at Hassan. In 21 those cases it happens that he has appointed Kamme Brahmins, while there have been 20 Kamme Brahmins out of the total at the Bar How could any reasonable man represent that as showing undue favour to Kamme Brahmins? The Respondent as a practitioner in the Munsiff's Court had all the facts before him He knew whether there had been any und partiality. If he had any doubt of

the actual figures, he could have ascertained them without the slightest difficulty. But he chose in this letter to the Dewan to represent that the Munsiff had used this petty patronage to favour Kamme Brahmins, which was false.

"These," the Respondent says, "are some of the ways of encouraging the lawyers that belong to his sect when they appear in cases." Then he goes on to specify eleven cases, as I have mentioned. The first group of two are cited as illustrations of "giving as many adjournments as possible to favour Kamme Brahmins while others are denied the same and mulcted with costs at the first hearing alone". The first of those cases is Miscellaneous Case No.145 of 1938-39, in which an application for restitution was made by a party, who had been arrested as a judgment-debtor on a warrant issued by the predecessor of Mr. Visveswarayya and undoubtedly issued without sufficient care in circumstances in which no such warrant should have been issued. For the petitioner a Kamme Brahmin lawyer, Mr. Venkatesiah, appeared. For the decree-holder, who had wrongly got the arrest warrant issued, the Respondent and another Lingayat practitioner, Mr. Mallappa, appeared. The order-sheet in that case shows that both parties wished to examine witnesses; and a number of adjournments were I think allowed with too great leniency to the petitioner. On one occasion, when no steps had been taken by either side, Mr. Mallappa, who

was

was appearing with the Respondent, asked for an adjournment for what the Munsiff regarded as no sufficient ground: it was refused, and Mr. Mallappa then retired from the case and left his client stranded -- in itself not proper conduc The whole proceedings in that case show misconception on the part of the Munsiff and of the learned gentlemen who appeared on either side in the case. It was not a case in which any witness was required. The record of the previous proceedings and legal arguments were quite enough to dispose of the case. Eventually the Munsiff ordered restitution. There was an appeal, and the case was remanded. After two witnesses for the petitioner had been examined and the decree-holder who was then the only witness cited on his side, had twice failed to attend, the petition was allow ed again. There was again an appeal; and then in the appellate Court it was found that the whole matter was covered by limitation. Now there I think the case shows that the Munsiff was too easy in granting adjournments in the first instance and, when the Respondent and Mr. Mallappa were at fault in not being ready, he was sharp in refusing any adjournment to them. That I think was a mistaken way of dealing with the matter. But it is no a very creditable case for the Respondent to bring up. Unfortunately there was great waste of time over it; but we cannot say that because it happene in that case that the judgment-debtor's lawyer was a Kamma Brahmin mistakenly lenient adjournments were granted. The arrival of summer is not proved by

one

3.

one swallow. But that is a case which, so far as it goes, may be counted for the Respondent; and to our surprise we have found it is the only case in the list which can be counted for him. The next case quoted in the letter to illustrate this wicked propensity of giving adjournments easily to Kamme Brahmins and refusing them to others is Original Suit No.665 of 1939-40, where it happens that both parties were ~~rpresented~~ represented by Kamme Brahmin lawyers. If the Respondent had taken the slightest ~~kk~~ trouble to verify the facts of that case, he would have seen that it was false to represent it as illustrating the partiality of the Munsiff.

The second point to illustrate which a case is quoted in the letter is the allegation that "during execution sales while disposing of the bid application, giving permission to bid when his own lawyers appear, at a low amount and for others far beyond even the estimated amount beyond the reach of the opposite client". In illustration of that charge Execution Case No.356 of 1940-41 is quoted. Execution Case No.356 of 1940-41 is one in which no Kamme Brahmin lawyer was concerned. On examination it is found to be a case in which the Respondent appeared for the decree-holder and tried to get permission for his client to bid for an amount which turned out to be clearly too low. No grievance is made out in that case whatever against the Munsiff. What he did appears to have been quite correct.

Then

4. Then we find three cases quoted to illustrate the charge that "while passing judgment" the Munsiff "awarded heavy compensation costs favourably". It must be remembered that all the three cases of this group are quoted to prove favouritism to Kamme Brahmin lawyers. The first of the three cases quoted under this head is Original Suit No.769 of 1938-39, in which the Respondent appeared for the plaintiff and got an attachment before judgment. The defendant in that suit applied for damages for the attachment having been obtained on insufficient grounds. The Munsiff found that the attachment was unjustifiable, which incidentally shows that his predecessor had been rash in allowing it, as some Munsiffs unfortunately are on occasions. He awarded to the defendant, who had paid into Court almost exactly the sum which the Munsiff found due from him, Rs.150/- as compensation. The defendant was represented in that case by Mr. B. Ramaswamaiya, a Kamme Brahmin lawyer, but not one of those three, who according to the Respondent are specially favoured by the Munsiff. On appeal the Subordinate Judge of Hassan found like the Munsiff that the attachment was unjustifiable; but he reduced the damages from the rather large sum of Rs.150/- to Rs.25/-. The actual decree in the suit is the subject of a second appeal, and so I shall say no more about that. But it will be seen that all this case shows in regard to compensation is that two

Courts,

5. Courts, while agreeing that the Respondent, who ought to have known better, applied on behalf of his client for an attachment before judgment in unjustifiable circumstances, disagreed as to the amount of damages -- a matter on which original and appellate Courts frequently disagree. The second case quoted by the Respondent to illustrate this granting of unduly high amounts of compensation in order to favour Kamme Brahmin lawyers is Original Suit No.246 of 1938-39. That on examination turns out to be a case in which no compensation was in question. How can it have been that the Respondent after a month's preparation chose to inform the Dewan in his letter that that case illustrated the Munsiff's partiality in granting compensation -- a plainly untrue representation, as the Respondent must have known, if he had taken the slightest care to represent the true facts to the Dewan. The third case to illustrate this propensity to grant high compensation when Kamme Brahmin lawyers apply for it is Original Suit No.665 of 1939-40. We were all surprised to find, when that case was investigated, that not only were the lawyers on both sides Kamme Brahmins but that no compensation was claimed in the case at all -- again a false representation, which could not have been made, if the Respondent had been trying with the slightest honesty to put the true facts before the Dewan.

Then the letter goes on to allege an instance where the Munsiff favoured a Kamme Brahmin lawyer by giving permission, when he dismissed a suit, "for a fresh cause of action", as

6. it is put in the letter. The case quoted to support that allegation is Original Suit No.207 of 1939-40. That was a case in which both parties were represented by Kamme Brahmin lawyers. The plaintiff in that case sued for partial partition. The Munsiff dismissed the suit, and, when dismissing it, he remarked that that would not prevent the plaintiff bringing a proper suit for the partition, to which he was legally entitled. Now can one imagine anything more silly than a lawyer representing that to the Dewan as a case in which the Munsiff went out of his way to favour a Kamme Brahmin lawyer against some one of another community? Both the lawyers were Kamme Brahmins, and there was no favouring of anybody. The illustration is both silly and false.

The next charge is that the Munsiff favoured Kamme Brahmins "by refusing to give the reasonable opportunities and proceeding to judgment as he likes only to oblige the opposite defende Counsel whom the Munsiff wants to favour". Two cases are quoted to illustrate that. The first is Original Suit No.658 of 1938-39, in which the Respondent himself appeared for the defendants with another non-brahmin lawyer.

7.

~~of his own community.~~ The plaintiff appeared by a Kamme Brahmin lawyer -- not one of the three ~~xx~~ specially favoured ones according to the Respondent. It was a suit for Rs.259/- claimed by the plaintiff on a promissory-note executed by defendant 1's father. When we examined the history of the case, we found that undue leniency was shown to one of the parties by granting an unnecessarily long adjournment to prepare arguments in support of an objection to the admission of a document. But we were surprised to find that it was not to the Kamme Brahmin lawyer that that undue indulgence was shown but to the Respondent and Counsel who appeared with him for the defendants. The case instead of illustrating the allegation is directly against it, as the Respondent must have known, as he was concerned in the case himself. That was a false allegation, which I do not know how the Respondent had the temerity to make except on an explanation to which I shall have to refer later. The other case quoted to illustrate this charge is Original Suit No.692 of 1938-39

between the same parties on a similar promissory-note; and they were represented by the same Counsel as in Original Suit No.658 of 1938-39. In that case there was an ex parte decree- an ex parte decree not made in improper circumstances. But the case was remanded on appeal for further trial. Again there was default on the part of the defendant. There was unfortunately a second remand. And on the third occasion, when the case came up for trial, a decree was made for the plaintiff, against which there has been no appeal. There is clearly no real grievance in that case which anyone can urge; and there is nothing in it to show that the Munsiff did anything with the intention of favouring any one. Of all that the Respondent, being concerned in the case, must have been aware.

The last charge for which cases are quoted in illustration is "favouring his favourite lawyer Mr.S.R.Srikantaiya". For the two cases are quoted (wrongly typed it is explained by some slip as three). The first of those two cases is Original Suit No.755 of 1937-38, a suit for maintenance in which both the plaintiff and the defendant were represented by Kamma Brahmin lawyers, the defendant being represented by Mr.Srikantaiya. An examination of that case very oddly shows that the only indulgence allowed by the Munsiff was allowed not to Mr.Srikantaiya but to his opponent, Mr.Narayana Rao. Again we find a false representation made by the Respondent. The other case to illustrate this charge of favouring Mr.Srikantaiya is Original Suit No.

of 1939-40, a suit on accounts, in which the plaintiff was represented by a Kamme Brahmin lawyer, Mr.~~B.Ramaswamaiya~~ C. Ramayyangar, and the defendant Mr. Srikantaiya. It is admitted that there is nothing whatever in that case to show favouri

Now I have gone through all the eleven cases-- they are really ten, because one has been quoted for two purposes-- specified by t Respondent after preparation for a month to support the very grave charges, which he made against the Munsiff. Only one of those cases will be seen lends any colour to any charge m by the Respondent. In eight of the cases the charges are clearly false; and in two of thos cases in which he made patently false allegati the Respondent himself had appeared. What are we to think of a man, who after taking a month to make up these stories against the Munsiff, in whose Court he was practising, filled his letter with these false representations?

The last allegation in the letter, except an entirely silly one that the Munsiff was bor in a neighbouring jurisdiction 18 miles from Hassan, runs as follows: "75 <u>per cent</u> of the contested cases in which the Munsiff has passed the judgments have been appealed against. 60 <u>per cent</u> of them are reversed with remarks fro which reasonable inference can be drawn". It would of course be a very astonishing thing tha there should be appeals against the Munsiff's decision in 75 per cent of the contested cases decided by him: and if his decisions were reversed in 60 <u>per cent</u> of such cases with bad remarks, it would be very extraordinary. Now w

have looked at the statistics in these matters. In the first year during which he was Munsiff of Hassan, i.e. 1939-40, Mr.Visveswaraiya disposed of 266 contested suits. There were appeals in 82 of them-- not, it will be observed, in 75 per cent of them, but in a little over 30 per cent of them. The number of cases in which his decisions were reversed was 27-- just about 10 per cent of the contested suits, which he had decided, and not 60 per cent. In the second year, 1940-41, which had nearly run its course when the Respondent wrote his letter to the Dewan, Mr.Visveswarayya disposed of 334 contested original suits, and there were appeals in 83 of them, i.e. in about 25 per cent of them and not 75 per cent. Twenty one of his decisions were reversed-- about 6 per cent and not 60 per cent. Now no one practising in the Courts of Hassan could have failed to be aware that it was plainly and glaringly false to represent that 75 per cent of the contested cases decided by Mr.Visvesvara-yya were taken on appeal to the Subordinate Judge's Court, to which appeals lay-- a Court in which the Respondent himself practised, which is held in a building only a few yards away from the Munsiff's Court: and no one practising at Hassan could have believed for a moment that anything like 60 per cent of Mr.Visveswarayya's decisions in contested suits were "reversed with remarks from which reason-able inference can be drawn". Figures were available to the Respondent, if he did not know them exactly, by making the easiest inquiry; but he chose to make a very grossly fal

representation to the Dewan, who would not be aware of the facts. What could the Respondent have meant by doing that? It is a most scandalous thing to do.

I have now gone through all the allegations made in the letter to the Dewan apart from the violent language used in the early part of the letter. It will be seen that although that letter was written by the Respondent a month after he had his interview with the Dewan and, as he represents, after he had made inquiries, which he felt bound to make in consequence of the Dewan's instructions, the allegations, which were all about matters of which the Respondent either had knowledge or which he had ample opportunity to verify, were almost entirely false.

As I have mentioned, the Respondent, when this case first came before this Court, said he would make out his allegations by evidence; and he has examined a large number of witnesses. But after what I have said no one will be surprised to hear that the voluminous evidence he has called deals almost entirely with other matters than the cases which he cited in his letter to the Dewan. The Respondent in calling witnesses in this case has not tried to make good the allegations in the letter itself in regard to specific cases, perhaps because that was hopeless. But he has tried to make out other things against the Munsiff. If it were true that the Munsiff habitually favoured lawyers of his own sect, as has been represented by the Respondent, the best evidence of that could of

course
/have been given by lawyers practising in the Munsiff's Court. The Respondent has examined five Advocates or Pleaders practising in that Court. He has not ventured to go into the witness-box himself to support his case.

I will deal first with the evidence of three members of the Bar practising at Hassan, who, though they are Brahmins, are not Brahmins of the Kamme sect, which the Respondent represents the Munsiff busied himself in favouring on all occasions. R.Ws. 14, 15 and 16 are Iyengar practitioners. R.W.16, Mr. Alasingrachar is an elderly Pleader, who says that his practice has gone down since Mr. Visveswarayya came to Hassan because Mr. Visveswarayya treats him badly in Court, brow-beats and taunts him and is not impartial to him in the matter of adjournments. If it is true that the Munsiff treats any member of the Bar, senior or junior, with discourtesy such as is alleged, it is very much to be regretted. Mr. Alasingrachar says that in three of his cases, Original Suit No.294 of 1937-38, Original Suit No.341 of 1938-39 and Original Suit No.560 of 1939-40, the plaintiffs in the course of the suits took them away from him because from the way the Munsiff talked to him they thought he would not succeed: all those three cases were transferred by the plaintiffs concerned to Mr. Srikantaiya. Mr. Alasingrachar says that there was a bad rumour going about that Mr. Visveswarayya favoured lawyers of his own community. But he admits that he has no reason for making such an allegation himself. His complaint is against the Munsiff's rudeness and not against his

favouritism towards lawyers of his own sect. He mentions that Miscellaneous Case No.432 of 1940-41 filed by him to set aside an ex parte decree was taken by the petitioner afterwards to Mr.S.N. Narayana Rao: and he says that a similar thing happened in Original Suit No.679 of 1940-41, where he was appearing for the defendant, but in that case the defendant withdrew his defence and a consent decree was made against him. Mr.Alasingrachar in spite of the grievance, which he says he has against the Munsiff's behaviour, states quite clearly that he cannot say that the Munsiff is partial in his decisions or judgments. What he complains of is that the Munsiff grants adjournments willingly to others but unwillingly to him. If the Munsiff makes any distinction between Mr.Alasingrachar and any other legal practitioner, he deserves our strong disapproval. As for Mr.Alasingrachar's practice going down, it has been elicited and he has to admit that it has been going down for ten years, long before Mr.Visveswarayya went to that Court. He has to admit that he has only very old law books of his own, that, when he has any serious question of law to deal with, he has to take the advice of other lawyers and that he calls in Mr.G. Parthasarathy Iyengar, another witness, to help him in difficult cases and himself only argues small appeals. I regret very much that Mr.Alasingrachar should feel that he has any grievance against the behaviour of the Munsiff. But, as happens in the case of other elderly men, it is clear that there may be other reasons

why his practice is not so good as it was before besides any bad behaviour of the Munsiff. And what is important for us is that the Respondent's allegation is not that Mr. Visvesvarayya is rude to lawyers generally on the Bench but that he favours Kanna Brahmin lawyers, and Mr. Alasingrachar's evidence does nothing to support that. R.W.15 is Mr. G. Parthasarathy Iyengar, the Advocate I have already mentioned. He gives evidence mainly about Original Suit No.35 of 1938-39, which in consequence of remands came before the Munsiff on three occasions. That is a case which has no relevance to our present proceedings, as Counsel on both sides

in it were Iyengars. Mr. Parthasarathy Iyengar says that clients used to engage him to help Mr. Alasingrachar when they felt that Mr. - Mr. Alasingrachar was not equal to their cases and they wanted better Counsel. There is nothing in his evidence to support the Respondent's allegations. The third Iyengar practitioner who has been examined is R.W.14, Mr. S.R. Srinivasa Iyengar, a pleader of 7½ years' experience and what appears to be small practice. He is the nephew of Mr. Alasingrachar, with whom he says he worked for seven years. He too was for the plaintiffs in Original Suits No.294 of 1937-38 and 341 of 1938-39 -- cases which Mr. Alasingrachar has mentioned as having been taken away from him in their course by the Plaintiffs. Mr. Srinivasa Iyengar says that that was done because the Munsiff was favourable to Mr. Srikantaiya. He says that Mr. Alasingrachar's practice has been dwindling gradually. And, so far as he himself is concerned, he says that he felt aggrieved that the Munsiff decided against him in Original Suit No.298 of 1938-39. We have examined that case, and it has to be admitted that it shows nothing wrong in the way in which the Munsiff dealt with it or in its history. Mr. Srinivasa Iyengar goes on to say that there was persistent talk in the Bar Association of Hassan that the Munsiff was favouring his own people and that his treatment of lawyers was invidious between person and person. But in cross-examination Mr. Srinivasa Iyengar has to admit that he

cannot

cannot remember any particular instance when the Munsiff made invidious distinction between one lawyer and another: he was never himself opposed to Mr. Srikantaiya or to Mr. Narayana Rao and cannot speak of any favour being shown to them by the Munsiff in his own cases. I may mention that Mr. Srinivasa Iyengar has a brother working under the Respondent in his capacity as - President of the District Board. Mr. Srinivasa Iyengar, it will be seen, is the only one of the three Iyengar practitioners examined by the Respondent who in any way supports his case against the Munsiff; and in cross-examination what he has said dwindles down to little. I think we may regard what these Iyengar practitioners says as of some importance because it happens that they all belong to a group, which is neither the Respondent's group nor that of the Kamme Brahmins, whom the Respondent says the Munsiff does so much to favour.

The other two legal practitioners examined by the Respondent are of his own community. R.W.9 is Mr. H.S. Murigappa, who has been a Pleader for eight years. He says something like what Mr. Alasingrachar says, that the Munsiff's manner to him in Court is unpleasant, and that I need not say is very deplorable, if it is so. He also says that members of the Bar talked about the Munsiff's discourtesy and about the his favouring some lawyers, particularly Mr. Srikantaiya and Mr. Narayana Rao: there was talk that the Munsiff favoured Kamme Brahmin

lawyers

lawyers in adjournments and also that he was partial to them in his decisions. He adds that the Respondent used to join in making those allegations. That may sound serious. But in cross-examination Mr. Murigappa says he is himself not aware of any partiality on the part of the Munsiff: he cannot give a single instance of it: he has not come across even a single case in which the Munsiff favoured some particular lawyer: Mr. Narayana Rao, one of the three, who according to the Respondent's allegation were so much helped by the Munsiff, has had the best practice at Hassan for five or six years, i.e. for double the time Mr. Visveswarayya has been there. The last practitioner examined by the Respondent is Mr. Mallappa, an Advocate of 12½ years' standing, examined as R.W.19. He mentions three cases, in which he was opposed to Mr. Srikantaiya. But an examination of their details shows that he has no grievance against the Munsiff in regard to them. In one it is quite clear that the Munsiff was unduly lenient to Mr. Mallappa himself. However he says that most members of the Bar were complaining that the Munsiff was favouring a few laywers and in particular Mr. Srikantaiya and Mr. Narayana Rao. In cross-examination he says that all the x members of the Bar except a few complained against the partiality of the Munsiff, and those who in particular did so were the Iyengar witnesses I have mentioned, R.Ws.14, 15 and 16, of whom two do not support that in the least,

and

and two others who have not been examined. It will be remembered that this supposed partiality of the Munsiff, of which Mr. Mallappa speaks, is against the evidence of R.W.16 and is not - supported by the evidence of R.W.15, and R.W.14 says that he never suffered any such thing himself and he cannot remember any instance of it. A retired Advocate, R.W.22, has been examined by the Respondent; but he says nothing whatever to support ~~xx~~ the Respondent's case. R.W.21 is Mr. Mallappa's clerk. He mentions two cases, which do not support the allegations against the Munsiff and which Mr. Mallappa himself did not think it necessary to mention.

Now that is all the evidence which we have from practitioners or persons connected with the Court to support either the allegations in the letter to the Dewan or the general allegation of partiality, which the Respondent has tried to make out by the evidence he has called.

It is well-known that Judges of the High Court almost every year go for inspection to the stations where there are District Courts or Subordinate Judges' Courts. Hassan is a station where there is a Subordinate Judge's Court. I went there on inspection duty in 1940 after Mr. Visveswaraayya had been in Hassan nine months. Abdul Ghani J. went there on similar duty in 1941. On neither of those occasions did any member of the Bar make any representati to us that the Munsiff was behaving in any way

improper

improperly in the course of his official duties. As every member of the Bar must know, it is the statutory duty of this Court to superintend the working of subordinate Courts; and, if any member of the Bar has any grievance against a Judge, it is to this Court that he should urge it. When Judges of this Court go on inspection duty, they are always ready to meet members of the Bar. They never refuse to receive or listen to any representation which members of the Bar wish to make. But no representation was made on either of those occasions against the Munsiff, though there was opportunity to do so.

There are a good many other witnesses, who have been examined by the Respondent. As I have mentioned, he says that he was directed by Sir Mirza Ismail to make inquiries about allegations against the Munsiff, which is not Sir Mirza's evidence. However the Respondent has called evidence to show that, after Sir Mirza Ismail had left Hassan on that occasion he did busy himself by going round and trying to collect tittle-tattle against the Munsiff. He has examined three ~~Lingayat~~ Mohammedan friends of his in prominent positions in Hassan R.Ws.1, 2 and 4, on the subject. They say that the Respondent came to them to collect opinions after the Dewan's visit, and they told him that they had heard that the Munsiff was favouring his own people. But, when tested in examination, their evidence it is clear is of practically no worth. R.W.1 says that he knew nothing about the

Munsiff's

Munsiff's behaviour or ways until the Respondent spoke to him of them except what two men, Puttasamiah and Sannappa, had mentioned to him. R.W.2 says that he had no business in the Munsiff's Court, and he knew nothing about the Munsiff except what those two men, Puttasamiah and Sannappa, had told him. R.W.4 knows nothing about the Munsiff's Court and has no opinion of his own. Puttasamiah was examined as R.W.10; and it is clear that he could not have given information as suggested to R.Ws.1 and 2 before the Respondent busied himself in going to those witnesses to work up a case against the Munsiff. Puttasamiah says that he had three cases in the Munsiff's Court, in all of which he was the Plaintiff: in one he succeeded, and in two he failed. He does not suggest that he has any grievance against the Munsiff beyond saying that he has appealed against the Munsiff's decisions, as unsuccessful litigants have a right to do. But he does tell us something of great interest, and that is that his suits were not disposed of until long after the Respondent had sent this letter to the Dewan. At the very least R.Ws.1 and 2 must be mistaken in saying that they had heard about those cases from Puttasamiah when the Respondent came to them on his evidence-collecting mission. Sannappa has been examined as R.W.7. He was defendant in Original Suit No.797 of 1938-39 on the Munsiff's file: Rao Bahadur Nanjundiah and Mr. Narayana Rao appeared for the plaintiff: he first engaged the Respondent in the case, and then later on he engaged

Mr. B. Ramaswamaiya, a Kamme Brahmin ~~k~~ lawyer, as he thought that would be helpful to him, because Mr. Ramaswamaiya was of the same community as the Munsiff: but it was the Respondent who conducted the case throughout for him. The suit was decreed ex parte: an application to set that decree aside was dismissed, and an appeal against that dismissal is pending. I have no doubt that Sannappa, R.W.7, hopes to succeed in that appeal. But in his evidence he says that the Munsiff decided the matter according to his conscience: he has ~~max~~ no grievance against the Munsiff. How could he have been the man who supplied R.Ws.1 and 2 with information that the Munsiff was favouring his own people? It is clear that the evidence of R.Ws.1, 2 and 4 is quite worthless and should never have been introduced into the case.

R.W.3, Mahalingappa, is another Lingayat witness. He gives evidence about three cases, in which he interested himself -- not his own cases -- and in which he says he was dissatisfied with the Munsiff's decision. But he does not show by his evidence any reason for us to suspect unfairness in those decisions. He suggests that there was something wrong about a compromise, in which Mr. Mallappa appeared for a friend in whom this witness was interesting himself. But Mr. Mallappa,

when he was in the witness-box, oddly enough, was never questioned about that. It is quite clear that this is a prejudiced and worthless witness. He says that he sent a petition to me by registered post against the Munsiff. We have had inquiries made, and there is no such petition on record in the office of this Court. If he did send a petition to me, it must have been an anonymous one -- and he does not say it was not.

R.W.13, Javarappa, is the Vice-President of the District Board, of which it will be remembered the Respondent is the President. It is clear from his evidence that he has been helping the Respondent in this case. He says that the Respondent asked him to ascertain people's opinion about the Munsiff for him. There is nothing in Sir Mirza Ismail's evidence to suggest that he wanted any further information about people's opinion of the Munsiff. What he wanted the Respondent to do was to write down specifically his allegations against the Munsiff. R.W.13 says that he advised a man called Shanmukhapp examined as R.W.5, to compromise a suit, in which he was the defendant, because the plaintiff's Counsel was Mr. Narayana Rao, whom the Munsiff would favour and he advised another man to engage Mr.B.Ramaswamaiya and another to engage Mr.B.Ramaswamaiya or Mr. Narayana Rao because they were related to the Munsiff. I do not know why this

Now it is admitted that Mr. B. Ramaswamaiah ① is in no way related to the Munsiff.

witness

witness was allowed to bring in that clearly untrue allegation. He admits that he has had no suit of his own in the Munsiff's Court in Mr.Visveswarayya's time. And he also admits though he gives evidence-in-chief that he advised clients to employ Kamma Brahmin lawyers, that he has also sent clients during Mr Visveswarayya's time to Mr. Mallappa and to the Respondent and to another practitioner, Mr.Kasturiranga Iyengar; and, what is more remarkable, when in his capacity as Chairman of a Panchayat Board he had to select a lawyer, he engaged the Respondent in spite of the supposed partiality of the Munsiff for Kamma Brahmin lawyers. R.W.5, Shanmukhappa, who is mentioned by Javarappa, R.W.13, says that there was a suit against him in the Munsiff's Court about some land; he had bought the land from one brother, and the plaintiff had got a sale-deed from another brother: that suit was compromised on terms that the plaintiff should repay to Shanmukhappa what he had paid and take the land. At first this witness says that he entered into that compromise because he was afraid, and because Javarappa told him, that the Munsiff would favour the plaintiff, who was represented by Mr. Narayana Rao. But in cross-examination he was driven to admit that he was thinking of compromising all along. And it has to be noticed that he himself had not engaged a Kamma Brahmin lawyer. He engaged Mr. Singa Iyengar, though he professed to

to know that the Munsiff would favour lawyers of his own sect. It is quite clear that his evidence is of no value at all, except to discount that of Javarappa.

Then we come to a very curious witness Bommegowda examined as R.W.6. He has given evidence that he had a suit in the Munsiff's Court, and he engaged Mr.Srikantaiya for it. When asked why he did so, he said that he did so because another man told him that Mr.Srikantaiya was related to the Munsiff, Mr. Visveswarayya. That witness was recalled at a later date, and it became clear that his suit was not in the time of Mr Visveswarayya at all, but in the time of the previous Munsiff. His statement that he engaged Mr.Srikantaiya because he was related to Mr.Visveswarayya is entirely false. Now how did the Respondent come to examine a lying witness like that? Are we to suppose that he did not ascertain what that witness was likely to say? He called him to prove a particular fact; but he did not trouble to verify the truth of the fact by comparison of dates, though it was the easiest possible thing for him to do so. It is extraordinary that that witness has been examined; and I may mention that it was only by a fortunate chance that the lie, which the witness has told, was discovered after the evidence of that witness and all the other witnesses, except Mir Mirza Ismail, had been recorded by the District Judge of Mysore. It was only when fortunately the

witness

the witness was recalled for further examination at a later date that the lie was exposed.

R.W.8, Dyave Gowda, says that he has not had any suit in the Munsiff's Court in Mr.Visveswarayya's time: but he advised a woman called Nagamma to engage Mr.Suryanarayana Rao because Mr.Suryanarayana Rao was xxx of the same sect as the Munsiff. He has to admit that he himself had engaged Mr.Suryanarayana Rao in one of his cases before Mr.Visveswarayya ever came to the Court. What is the use of adducing evidence like that?

R.W.11, Chennappa, says that he sent a woman and a man to Mr.Srikantaiya and another man to Mr.Narayana Rao as clients because a member of the Hassan Bar, Mr.Narayannaswami Iyengar, said in his village that his cases had been spoilt by the Munsiff and that, if his cases were given to Mr.Srikantaiya xx or to Mr.Narayana Rao, they would be successful. Now it will be a surprise to those who have not followed this case to know that, although the Respondent tried to bring in that hearsay evidence, he did not venture to call Mr.Narayannaswami Iyengar himself as a witness. And R.W.11 has to admit that he has given his own cases for many years to Kannada Brahmin lawyers.

R.W.12, Siddalingappa, is the elder brother of the Respondent. He says that he used to give his cases to the Respondent: but

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he gave up doing so and engaged Mr. Thimmappiah a Kamme Brahmin lawyer, in one case because he had heard that the Munsiff was favouring his own sect. He is not only a very interested witness but obviously a disingenuous witness, and he has to admit that he has gone back to the Respondent as his own lawyer. R.W.17, a Lingayat money-lender, with whom the Respondent has long had financial transactions, is disappointed because part of his claim was disallowed in one case by the Munsiff. He says that he heard people saying that the Munsiff gave decisions in favour of his own sect. R.W.18 is a Lingayat trader -- and I may mention that he is the only witness examined by the Respondent who refers to any of the cases cited in the Respondent's letter to the Dewan. He filed a suit, Original Suit No.769 of 1938-39 for Rs.566/-: the Munsiff made a decree for Rs.410/- and as I have mentioned already, awarded Rs.150/- as damages against him for wrongfully obtaining an attachment before judgment. This witness says he heard it said that the Munsiff was a little partial to his own men. But he admits that he cannot say that the Munsiff did any wrong to him, and he never inquired into the truth of the talk he mentions. R.W.20 is a Brahmin money-lender. He had three cases before Mr. Visveswarayya, in one as plaintiff and in two as defendant, and he failed in those cases. In two of them the lawyers o

both

both sides were Iyengars. In the other Mr. Narayana Rao was for the plaintiff and got a decree, which is now under appeal. There is nothing to show anything wrong in any of those cases. R.W.23, Sivappa, was defendant in three suits before the Munsiff, in which the Respondent appeared for him and Mr. Narayana Rao appeared for the plaintiff. The cases have gone against him; but he has not thought it necessary to appeal. He says he has a grievance against the Munsiff because the Munsiff spoke roughly to him after having dismissed an application of his in one of the cases and said something derogatory to him while he was in the witness-box. He thought apparently of asking for the transfer of the case, but he did not do so; and, as I have said, he did not appeal against the result of the case. All he can say about partiality is that the plaintiff in the case was saying that his Counsel and the Munsiff were related.

It will be seen that, voluminous as the evidence called by the Respondent has been -- and I have thought it necessary to deal with it in some detail because it is concerned with serious allegations of unfairness against a Judge -- it amounts to practically nothing more than that there was talk among some people that the Munsiff was likely to favour lawyers of his own sect. Not one single instance has been proved in which the Munsiff did so favour any lawyer of his own sect. The learned Advocate-General has brought to our not-

7.

notice something which throws a great deal of light I think upon these stories of Mr.Visveswarayya being inclined to favour lawyers of his own sect and in particular those whom the Respondent represents as his special favourites, Mr. Srikantaiya and Mr. Narayana Rao. Statistics to which the learned Advocate-General has drawn our attention and which cannot be questioned, show that in Mr.Visveswarayya's time the practice both of Mr.Srikantaiya and of Mr. Narayana Rao has declined not only in total but in proportion to the whole volume of work in the Court. How can we reconcile the with any real basis for these stories that the Munsiff wickedly showed his favour to those two lawyers so that parties felt bound to engage them if they were to succeed? When those objectionable stories are tested in that way, the bottom appears to fall out of them. It will be remembered that there was one other lawyer specially mentioned in the Respondent's letter to the Dewan as being among the very few who could hope to succeed before the Munsiff -- Rao Bahadur Mr.Nanjundiah. We are informed, and it is not denied for the Respondent, that Mr. Nanjundiah had almost retired from practice when Mr.Visveswarayya came to this Court; and yet his name was dragged into the attack made upon the Munsiff by the Respondent in his letter to Sir Mirza Ismail.

It has been represented for the Respondent that he did not intend his letter as a complaint against the Munsiff: he sent it in consequence of Sir Mirza

Ismail's

Ismail's inquiries in the course of his interview regarding the Munsiff. We must allow that in favour of the Respondent. He did not start this matter. It arose out of a question put to him by Sir Mirza Ismail. Sir Mirza Ismail does not support the Respondent's story that he asked or authorised the Respondent to act as an inquiry agent into the supposed misdoings of the Munsiff. But he did very naturally in the circumstances ask the Respondent to put down in writing what he had to say against the Munsiff with instances, if he had any. That is what the evidence amounts to; and, so far as it goes, it is in favour of the Respondent that he was not responsible for starting this very unpleasant affair. When this case first came before us, as I have mentioned, the Respondent put in a written statement. He represented there, as has been represented for him here, that what he did in this matter he did not do as a legal practitioner. It is quite true that it was not as a legal practitioner that Sir Mirza Ismail granted him an interview; and we of course accept Sir Mirza's evidence that, when he put his question to the Respondent, he did not think of him as a practising lawyer. But it is I think impossible to regard the Respondent's representation that what he did in making allegations against Mr. Visveswarayya in his letter was not done as a legal practitioner as anything but an unworthy quibble. It was only as a legal practitioner that the Respondent would be in a

position to give the details, which he gives in the mxxx letter -- and it must be remembered he refers in several instances to his own cases. It was argued for the Respondent by Mr. Viswanat Iyer that there was a doubt whether what the Respondent did in making false allegations against the Munsiff to the Dewan in that letter can be regarded as a misconduct to be dealt with under the Legal Practitioners' Act. I do not think there can be any real doubt about ~~it~~ that. The Respondent was a Pleader practising in the munsiff's Court. When asked by the Dewan what he thought of the Munsiff, he made very serious allegations against him and a month later put his allegations in writing in very extr e language in a letter to the Dewan. ~~There~~ They were false allegations in almost every particular. They were made in regard to the Judge of a Court, in which the Respondent was practising, to the Head of the Administration of this State, in whose hands to a great extent that Judge's career lay. Can any one seriously represent that that was not abominable conduct, quite incompatible with the honour of the profession, to which the Respondent belongs ? I do not think that aspect of the case requires any further consideration.

But it was also represented by the Respondent in his written statement that it was in a confidential communication that he made those allegations to Sir Mirza Ismail. The Respondent's letter of the 6th of May 1941 bears no mark upon it that

it was intended as a confidential letter. But he suggests that the cover was marked confidential. I can quite believe that that may have been so. Sir Mirza himself has said that he never intended that letter to come to this Court and he never intended the Respondent's name to get out in connection with the allegations contained in it. Sir Mirza suggests that, if he had continued to be Dewan and this paper had not passed on to his ~~successor~~ Private Secretary mixed up with some other papers he might without mentioning the Respondent's name have sent or he would have sent the information contained in the letter to this Court in order that we might inquire into it. Now there I think Sir Mirza Ismail must have been misled by some trick of memory. If he had remembered certain instances in the past, he would have known that this Court would never frame charges against the Judge of a subordinate Court or start an inquiry into allegations against him without knowing who made the allegations and who held himself responsible for their truth. One of the most unpleasant features of my work here is that I constantly receive anonymous petitions against all grades of officials in the Judicial Department. It is not at all pleasant to think that there are so many people in Mysore capable of sending anonymous petitions. If we were to institute cases against Judges of subordinate Courts on anonymous allegations, with what confidence could those Judges do their work and how much time would

be left for our own work ? If these allegations had come to me from the Dewan or from any one else as anonymous allegations against Mr. Visveswarayya, no action would have been taken upon him them. But the fact that the Respondent made these allegations in a confidential communication in the hope that his connection with them would never be disclosed cannot affect the seriousness of what he did. If it is abominable, as I think no one could doubt, for a legal practitioner to make false allegations against the Judge in whose Court he practices to the Head of the Administration in order to do harm to that Judge, it is even more abominable to make them confidentially in the hope that his connection with them will never be disclosed.

Then in his written statement the Respondent represented, as I have mentioned, that he had been asked to collect particulars by Sir Mirza Ismail, which we must find not to have been so. He goes on to say that the report was made in obedience to the Dewan's commands and as the result of bona fide enquiries. Mr. Viswanatha Iyer has tried to persuade us that, however extreme was the language used in the Respondent's letter, it was sent in good faith. I think it is clear we cannot agree with that. The Respondent was making allegations about matters connected with the Court in which he practised -- matters which were either within his own knowledge or which he could verify with the greatest ease by con lting his fellow-practitioners. Nevertheless he made all these

false allegations. Who could seriously represent that they were made in good faith ?

Then the Respondent went on in his written statement to say that he would never have sent the letter, if he had any idea that the fact that he had done so would get out. I do not think any comment from me is needed in regard to that statement. It is true I suppose that many of us in the course of conversation say things about our acquaintances which we should not like to pain them by saying to their faces. Some of us in our official positions have the unpleasant duty of making confidential reports on our subordinates. But I suppose none of us, if we have any pretence to be honourable men, when we are challenged regarding any such statement, would hesitate at once either to make it good or to withdraw it. The Respondent, when this case came up first five months after he had sent the letter, refused to withdraw his allegations. He tried to persuade us that this was a case into which we could not properly inquire under the Legal Practitioners' Act; and then, when he could not succeed in that way, he tried to bluff the matter out, saying that he would adduce evidence in support of his allegations. We have seen what evidence he has produced. We must have known all along what evidence he would be able to produce.

In his written statement the Respondent said he regretted that this matter had come to light; and he regretted that it had brought him within the scope of proceedings under the Legal Practitioners'

Act. But at that time he expressed no other regret whatever in that statement. Mr.Viswanatha Iyer, who appeared for him, at once and very properly, as would be expected of him, said that he did regret very much that the Respondent had used such violent language -- language which would not be justified, even if the specific allegations made against the Munsiff could be proved. So far regret was expressed on that occasion. At the end of the case Mr. Viswanatha Iyer went on to carry the regret he could express on behalf of the Respondent a little further. He said he regretted that the Respondent had made his allegations lightly, carelessly and indiscreetly. It will be remembered that that was not the Respondent's considered defence, when he put in his written statement last October. But I think it is perfectly clear that no one could seriously regard these allegations, made by the Respondent in his letter to the Dewan after a month's consideration, as made lightly and carelessly. The Respondent has called evidence that he had gone about trying to collect evidence against the Munsiff and then he sent his letter containing allegations which he either knew were untrue or which with the least reasonable inquiry he would have found to be untrue. At the very best we must take it that the Respondent in that letter to the Dewan made recklessly false allegations -- it would not be difficult to draw an inference that they were rather deliberate than

reckless --and those allegations he couched in hysterical language.

The Respondent's case is that the Munsiff gives way to communal prejudice -- a very serious allegation. The impression left upon my mind by those proceedings is that the Respondent himself is very seriously infected with that most unpleasant disease. We all know that communal jealousies, animosities and prejudice are amongst the things that do most to hinder the progress of this country. Every one of us, who is interested in that progress, should do our utmost to ~~oppose~~ suppress such mean animosities and prejudice. It is a moral crime to do anything to foment or aggravate them. It is impossible I think to come to any other conclusion than that the Respondent took the opportunity given to him unwittingly by the late Dewan, Sir Mirza Ismail, to make a bitter and false attack upon the Munsiff. As Mr. Viswanatha Iyer has urged, there is evidence in this case that people have been saying that Mr. Viswanarayya is inclined to favour lawyers of his own sect. But need any

of us believe that, if there is such talk as that, it necessarily has any basis? When this allegation is tested by evidence, we get no single instance of it. Those of us who have had experience of Courts know how easily talk of that sort gets about. I have been connected with the Courts of this country for more than forty years, and I have known several instances, in which flourishing practices have been founded on an idea among litigants in regard to a particular lawyer, either because he is related to a particular Judge or because a Judge has particular liking for the way in which he presents his cases, that it is wise to employ him, and that has happened without any blame whatever either to the practitioner or to the Judge. Let us suppose it is true that ignorant people in the Hassan District, knowing that Mr.Visveswarayya is a Kamme Brahmin, are inclined to take their cases to Kamme Brahmin lawyers. Is that any reflection upon Mr.Visveswarayya himself. or is it due to the natural weakness of suspicious people? The only proper course I think for persons connected with the Courts either as Judges or as members of the Bar is to go straight on doing their duty to the best of their ability ignoring this sort of tittle-tattle, which we all know is so very common. That unfortunately was not what the Respondent did. I think that, when the Respondent in answer to Sir Mirza Ismail's very natural question to him as a public man how the work of the Munsiff's Court was going on and what was the general opinion about the Munsiff made hi comments on the Munsiff, it would have been much bitter if Sir Mirza had at once said to him:- "Well that is a matter which you

should represent to the High Court". It would have been better if the Respondent himself had said that, if any representation was to be made, he would make it to this Court. The learned Advocate-General has brought to our notice that there is something in the record to show that Mr. Visveswarayya had twice in decisions to say things reflecting upon the Respondent's character: once he had found that a payment pleaded by the Respondent as made to a charitable institution had not been made: on another occasion he had found very grave reason to suspect that the Respondent had tampered with an execution petition after it had been presented to the Court. It would have been proper I think if the Respondent, when he was questioned by Sir Mirza Ismail, had said that he would prefer Sir Mirza Ismail to put such a question to somebody else, as he had himself suffered at the Munsiff's hands, if that was how he felt about what the Munsiff had done on those two occasions. However it cannot be suggested for one moment that Sir Mirza ever incited or wished the Respondent to say a word against the Munsiff which was untrue or exaggerated. When the Respondent made allegations to Sir Mirza, Sir Mirza asked him to put them on paper, and we know now what the Respondent did. His conduct was extraordinary and most discreditable.

But I am glad to say that at the very last moment in the hearing of this case, although the Respondent had declined to express any real regret for what he had done up to that time, at my suggestio yesterday he did put in a statement expressing his regret and his apology. As I said at the time,

I wish very much that the Respondent had done that in the first instance. But at any rate he has done it at last. This is what he has said:- "The letter dated 8-5-1941 written by the Respondent to the then Dewan, was written in the circumstances as stated in the statement of the Respondent, and the evidence of the Dewan herein, and the Respondent desires to make it clear that there was absolutely no malice or illwill on his part towards the judicial officer concerned. In the light of what has been shown by the subsequent scrutiny that the data relied on by the Respondent do not bear out or support the allegations made in the letter, the Respondent regrets very much that he should have set forth such allegations in the letter in question and thereby unintentionally done a grave wrong to the said officer. The Respondent regrets for the allegations made in the letter and tenders his apology for the same." I am sorry that I cannot accept the statement that the letter to the Dewan was written without malice or illwill. That would be a very difficult inference to draw in the circumstances. Nor can I accept the statement that the Respondent has done a wrong unintentionally to the Munsiff. But I do accept the statement that he now regrets very much what he has done and apologizes for it. If the Respondent had not expressed that regret and made that apology, I do not think I could have regarded him as a man fit to remain in the honourable profession of a Pleader. As he has now made that apology and expressed that regret, I am glad to think that we can deal with him very much more lightly than would have otherwise been necessary.

But in justice to the Judge, who has beenattacked, in justice to the profession, to which the Respondent has brought dishonour, and in justice to the public we cannot impose upon the Respondent a very light sentence. And there is one punishment, which the Respondent has brought upon himself and which we cannot lift from his shoulders. Every Judge who goes to Hassan will know that the Respondent has shown himself a person unbalanced, malicious and unscrupulous, ready to injure the Judge in whose Court he practises behind the Judge's back in the hope that the injury done to the Judge will never be traced to his hand. That we cannot undo. I only hope that the Respondent by living up to the standard of the profession in future will do everything he can to wipe out or mitigate this blot on his career. The least punishment which we can inflict upon the Respondent is I think that he should be suspended from practice for six months from this date; and we must also order him to pay the costs of these proceedings, the Advocate's fee being fixed for the proceedings in this Court and before the District Judges together at Rs.400/-. I propose that we deal with the case in that way.

Mr.

MR. JUSTICE SUBRAHMANYA AIYAR:--

I agree with the elaborate judgment just now delivered by the learned Chief Justice and wish to add this

The charge against the Respondent, Mr. Y.Dharmappa a Pleader practising in the Munsiff's Court at Hassan is under Section 11 of the Legal Practitioners' Act, for making certain scandalous allegations against the Munsiff in a letter to the Dewan. The statements in the letter which are the subject matter of the charge are as follows:

> "This Munsiff came to this Court two years back and it can be seen from the following case numbers that he has been completely communal and this communal spirit has pervaded all through his judgments and orders and every proceeding of his. He has been evincing systematic hatred towards non-brahmin lawyers and also towards Brahmin lawyers who do not belong to his sect, he being a Kanma Brahmin. This Court instead of being a Temple of Justice is a place where injustice and sin is being perpetrated every moment."

The allegations are asserted as if they are facts within the personal knowledge of the Respondent.

In the written statement that the Respondent filed he has dealt mostly with the circumstances under which he happened to write the letter to the Dewan and has stated that it was a confidential communication and that if he had any the least idea that such a personal and confidential letter would get into others' hands he would not have sent it at all. This discloses the mentality of the Respondent who would not mind making in secrecy allegations, however false or baseless they may be, but would not dare to make

them

then in open. In the written statement there is not a word of regret for making this most unbecoming, - scandalous and libellous attack on a judicial officer, which is at the same time reckless and unjustifiable, as to have found, after going through the evidence - elaborately. The only regret in the written statement is that the confidential communication should have got out and be turned against the Respondent. This may be hard luck on the Respondent, but is certainly not a conduct which can be defended.

It has been conceded by Mr. Viswanatha Iyer for the Respondent that the language in which the allegations were couched was intemperate and went beyond reasonable limits, even if the Respondent believed bona fide the allegations when he filed his written statement. It was expected that he would express his apology for making baseless imputations in such sweeping terms. But the Respondent somehow adopted the - course of attempting to justify his allegations by proof.

To have gone through the records of all the cases mentioned by the Respondent in his letter to the Dewan and also of other cases referred to in the evidence of the witnesses. I agree with the learned Chief Justice who has fully discussed the details of these cases that the allegations of the Respondent have not been made out in the least respect. The defence of justification therefore fails.

The attempt that has been made in the evidence is to prove that there was a feeling current among com-

of

of the lawyers and some litigants that the Munsiff is likely to favour lawyers of his own community. This is far from proving the allegation that the Munsiff "has been completely communal" and that communal feeling "has pervaded all through his judgments and orders and every proceeding of his. The Respondent is a Pleader practising before the Munsiff, and he should have verified if the alleged feelings of some of the lawyers and litigants had any basis, before complaining of it as a fact to the Dewan. After the oral complaint to the Dewan in April 1941 the Respondent took a month to put the complaint into writing, and according to him he collected information and data and mentioned them in his letter. If the Respondent had even superficially examined the cases he has mentioned he would have himself pricked the bubble, and refrained from relying upon those cases in support of his allegations. But in regard to the nature of the allegation he probably thought that any stick was good to beat with and he mentioned some cases in his letter to add a semblance of accuracy to the allegations. In this connection it may be remarked that the evidence of R.W.6 which has been proved to be false is a startling example indicating that the informants on whom the Respondent is said to have relied were not reliable. And it also shows to what deplorable length the attempt to justify the allegations has been carried. R.W.6 states that in a suit he filed, he engaged a particular lawyer on the advice of his friends, as that lawyer was related to the present Munsiff, indicating thereby that the Munsiff would favour him in the disposal of the case. The record of that case was got at and it

surprisingly

surprisingly disclosed that the suit was decreed some three years before the present Munsiff took charge of the Court. Mr. Viswanatha Iyer suggested that the Respondent believed in the information of this witness. It may be so. But it is clear at the same time that somebody had been at pains even to go to the length of procuring false evidence on behalf of the Respondent.

When the Dewan had gone to Hassan in April 1941 the Respondent had an interview with him; and the Respondent appears to have complained to the Dewan about the Munsiff. The gist of what was stated to the Respondent by the Dewan, Sir Mirza Ismail is put thus in the latter's evidence: "I must have asked him to let me have in writing the various allegations he had made against the Munsiff so that I might make further inquiries in the matter and satisfy myself whether - there was any truth in them. I cannot definitely say that I asked him to get some more information but I presumed [illegible] more information by way of specific instances ..... The nature of the complaint against the Munsiff was partly that he was communally-minded. I asked Mr. Dharmappa to give me definite information to proceed upon..... I remember I asked him to put in writing what he orally told me". After a month spent in collecting information and deliberation, the Respondent sent the letter under consideration to the Dewan. Instead of putting in writing what he complained orally and giving specific instances of his allegations as directed by the Dewan, the Respondent evidently mistook his role as being that of an investigator into a charge against the Munsiff. He appears to have gone about bringing

that

that the Dewan told him that he had received petitions against the Munsiff, and collecting evidence from all sorts of people, though as a Pleader practising in that Court he must have had first hand knowledge of facts if his allegations had any basis. Even this information which he got from doubtful quarters and which was purely hearsay, he has not taken the trouble to verify if it was based on facts. An example of the reckless disregard for truth with which the Respondent put the matter before the Dewan in his letter is this. He has stated that 75 per cent of the contested cases in which the Munsiff has passed judgments have been appealed against and 60 percent of them are reversed with remarks from which reasonable inference can be drawn. But the facts are that in 1939-40 the cases appealed against are a little over 30 per cent of the contested cases and in 1940-41 25 per cent; and the number of cases in which the Munsiff's decisions were reversed on appeal is 10 per cent of the contested cases in 1939-40 and 6 per cent in 1940-41. These are facts which the Respondent could easily have verified from the records; but the way in which he has distorted them is significant.

The allegations in the Respondent's letter amount to an accusation against the Munsiff that he was acting with prejudice and bias in the course of his judicial ~~act bias in the course of his~~ duties and that he was not acting honestly, judicially and in good faith. There is no doubt that this is a grossly libellous attack upon a judicial officer which amounts to contempt. There is high authority that the conduct of a legal practitioner who has made such a grossly

libellous

libellous attack is "reasonable cause" within the meaning of Section 11 of the Legal Practitioners' Act. "Reasonable cause" has been held to be professional -ti- or other misconduct on the part of a legal practioner. It is not merely conduct involving moral turpitude that is misconduct. The Court has a right to expect a high standard of loyalty and co-operation from those who practice the profession of law. Any conduct which in any way renders a man unfit for the exercise of his profession or is likely to hamper or embarrass the administration of justice by this Court ~~of~~ or of any of the Courts subordinate thereto has been considered to be "misconduct" calling for disciplinary action. Acts on the part of a private individual which offend against the dignity of the Court and are calculated to prejudice the course of justice are acts of contemp and such acts of contempt, as in this case, will be acts of misconduct if committed by a legal practitioner The Respondent's letter to the Dewan contains grossly libellous attack on a Judicial Officer and the allegations therein which have been made recklessly are designed to mislead the Head of the Administration in the State. The conduct of the Respondent who is practising in that Court in this respect cannot be anything but misconduct. I do not think any privilege can be claimed because the complaint was made to the Head of the Administration, if the allegations are - reckless and unjustifiable.

One of the points urged on behalf of the Respond is that this communication to the Dewan was made in his capacity as President of the District Board and as a citizen and not as a legal practitioner. It ma be that he got the chance of an interview with the

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Dewan because he was the President of the District Board. There can be no doubt that he used this opportunity to complain to the Dewan of his experience as he imagined as a Pleader practising in that Court at the hands of its presiding Officer. That the complaint came from the Respondent as a Pleader is also clear from the fact that he collected specific instances of cases in this Court in which he was practising.

Mr. Viswanatha Iyer relied on Subramania Aiyar v. The District Magistrate of Salem, 38 Madras Law Journal 230, for the position that where a legal practitioner comments on the work of a judicial officer as a member of the public that act cannot be connected with his role as a legal practitioner and considered as misconduct. In an unreported decision of this Court, C.P.No.24 of 1920-21 which has been brought to our notice by the learned Advocate-General such a contention has been repelled by Sir Leslie Miller, C and the decision in Subramania Aiyar v. The District Magistrate of Salem has been distinguished. The grossly libellous attack, unjustifiable as it is, made by the Respondent on the presiding officer of the Court in which he is practising cannot but be considered to be misconduct though he possesses oth roles. In the matter of Sashi Bhushan Sarbadhicar 29 Allahabad 95, their Lordships of the Privy Coun state that it is essential for the proper administ tion of justice that unwarrantable attacks should be made with impunity upon Judges in their public capacity. Their Lordships held in that case tha conduct of an Advocate who made such an attack u be reasonable cause calling for disciplinary ac

It is some satisfaction that the Respondent has at the end of all this unpleasant inquiry realized that his conduct in making these allegations was wrong and unbecoming and has tendered at the close of the arguments on his behalf an apology regretting the allegations he had made. Giving due weight to all the circumstances which have been pointed out on behalf of the Respondent and the apology he has tendered, I agree with the order of the learned Chief Justice suspending the Respondent from practice for six months since the Legal Practitioners' Act permits, failing acquittal, a penalty of suspension or dismissal and not mere admonition.

BY THE COURT:--

The order of the Court is that Mr. Y. Dharmappa, Pleader, be suspended from practice for six months from this date and that he do pay the costs of these proceedings into this Court before he is permitted to resume his practice

It is now represented that he has not renewed his Pleadership certificate for this year. The Certificate will not be renewed until the period of suspension has expired and until the costs have been paid.

"C o p y"

REGISTRAR.

HR/S.

Appendix F G—1]

SUBJECT .....

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Section L.B

File No. 61-41

Serial No. 2

No. L 10939

Diary No. of letter replied to.....

To

The Deputy Commr
Hassan dist-

Sir

General and Revenue Secretariat

( )

the *193* .

With refce to your
letter nro P.C-25-42 dt 1-3-42
Soliciting orders of Govt whether
the order of the High Court of
Mysore against Mr. Y. Bhaskara
Rao would amount to a dis-
qualification disabling
a Member
him to continue as the
President of the Hassan Dist.
Board and whether it is
necessary to hold a re-election
for filling up the post of the
~~President~~, I am directed
to state that there is no
need for an election as

Date of issue.....

Signed by G.R. Rao

with
Mysore pattern 1st part

and

List of enclosures.....

Copied by .....

Examined by.....

as there was no vacancy. There is no need for a reelection I have Etc

[illegible]
for Secy to Govt
Law Dept

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No.L 6939 / L.B 61-41-2 *Dated, Bangalore,* 15th May 1942.

From

The Secretary to the Government of His Highness
the Maharaja of Mysore,
Law Department.

To

The Deputy Commissioner,
Hassan District.

Sir,

With reference to your letter No.P.C.75-42 dated the 1st March 1942 soliciting orders of Government whether the order of the High Court of Mysore against Mr. Y. Dharmappa would amount to a disqualification under the Mysore District Boards Act, disabling him to continue as a Member and President of the Hassan District Board and whether it is necessary to hold a re-election, I am directed to state that, as there was no vacancy, there is no need for a re-election.

I have the honour to be,
Sir,
Your most obedient servant,

T.R.S. Rama Chandra

For Secretary to Government,
Law Department.

The Mysore Dt. Boards (amendment) Bill

STATEMENT OF PRINCIPLES.

Sub-section (1) of section 10 of the Mysore District ~~Boards~~ Act sets out the disqualifications which will prevent a person from being a member of the District Board. Sub-clause (f) of this sub-section states that no person may be a member of a District Board who is a legal practitioner whose sannad has been suspended by the High Court. This provision is liable to the ~~construction that where a legal practitioner~~ is suspended from practising as such, when ~~he had no current certificate authorising him to practise, such suspension would not~~ amount to ~~disqualification. Such a construction will have the unintended effect of enabling a person to evade the consequences of his conduct~~. It is therefore thought ~~it~~ desirable to amend the Mysore District Boards Act so that, where a legal practitioner who is or has been or was practising as such is suspended, such suspension would result in disqualif~~ication~~ying him from being a member of a District Board. The present bill is intended to give effect to this intention.

~~Sources~~ There is now reference to a Sannad in the Legal Practitioners Act and the provision as it now stands ~~Exemption~~ is sufficient

adopt the phraseology of such enactments and

The Mysore District Boards (amendment) Bill.

WHEREAS it is expedient further to amend the Mysore District Boards Act, 1926;

It is hereby enacted as follows:-

1.(1) This Act may be called the Mysore District Boards (amendment) Act, 194

(2) It shall come into force at once.

2. In sub-section (1) of section 10 of the Mysore District Boards Act, 1926:-

(1) For sub-clause (d) of clause A the following sub-clause shall be substituted, namely:-

"(d) if being or having been a legal practitioner, he has been dismissed or is under suspension from practising as such, by order of the High Court, or".

(2) Sub-clause (f) of clause A shall be omitted.

(3) For proviso (b) the following provisos shall be substituted, namely:-

"(b) The disqualification in sub-clauses (a), (c), (d) and (e) of clause A shall cease to operate after the expiry of three years from the date of such sentence, dismissal or removal, or earlier by an order of the Government.

(bb) The disqualification in sub-clause (d) shall cease to operate after the expiry of three years from the date of such dismissal or suspension

May be omitted
Hm
14/5/64

~~in the case of such suspension, the period of such suspension, whichever is shorter, or earlier by an order of the Government;"~~

1) District Boards amendment Bill
2) City Municipalities " " Bill
3) Town " " "
4) Minor " " "

MYSORE REPRESENTATIVE ASSEMBLY.

BUDGET SESSION, JUNE 1942.

BILLS.

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1. THE MYSORE DISTRICT BOARDS (AMENDMENT) BILL.

Statement of Principles.

Sub-section (1) of section 10 of the Mysore District Boards Act sets out disqualifications which will prevent a person from being a member of the District Board. Sub-clause (*f*) of this sub-section states that no person may be a member of a District Board who is a legal practitioner whose sannad has been suspended by the High Court. There is no reference to a sannad in the Legal Practitioners Act and the provision as it now stands is inoperative. It is therefore thought desirable to adopt the phraseology of that enactment and also to bring the District Boards Act in line with the Government of Mysore Act in respect of this disqualification. The present amendment to the Mysore District Boards Act is proposed with these objects.

THE MYSORE DISTRICT BOARDS (AMENDMENT) BILL.

WHEREAS it is expedient further to amend the Mysore District Boards Act, 1926;

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore District Boards (amendment) Act, 194

(2) It shall come into force at once.

2. In sub-section (1) of section 10 of the Mysore District Boards Act, 1926 :—

(1) For sub-clause (*d*) of clause A, the following sub-clause shall be substituted, namely—

"(*d*) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter case being operative during the period of such suspension or the term of the District Board whichever is longer, or".

(2) Sub-clause (*f*) of clause A shall be omitted.

(3) In proviso (*b*), the brackets and letter "(*d*)" and the word "withdrawal" shall be omitted.

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2. THE MYSORE CITY MUNICIPALITIES (FIRST AMENDMENT) BILL.

Statement of Principles.

Sub-clause (iv) of clause (*a*) of sub-section (1) (A) of section 12 of the Mysore City Municipalities Act states that no person may be a Councillor who was a legal practitioner whose sannad has been withdrawn by the High Court. There is no reference to a sannad in the Legal Practitioners Act and the provision as it now stands is in operative. It is therefore thought desirable to adopt the phraseology of that enactment and also to bring the Mysore City Municipalities Act in line with the Government of Mysore Act in respect of this disqualification. The present amendment to the Mysore City Municipalities Act is proposed with these objects.

THE MYSORE CITY MUNICIPALITIES (FIRST AMENDMENT) BILL.

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933;

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore City Municipalities (First Amendment) Act, 194

(2) It shall come into force at once.

2. In sub-section (1) of section 12 of the Mysore City Municipalities Act, 1933 :—

(1) For sub-clause (iv) of clause (A) (*a*) the following sub-clause shall be substituted, namely—

> " (iv) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter case being operative during the period of such suspension or the term of the Municipal Council whichever is longer, or."

(2) In proviso (*b*) the brackets and figures " (iv) " and the word " withdrawal " shall be omitted.

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3. THE MYSORE TOWN MUNICIPALITIES (FIRST AMENDMENT) BILL.

Statement of Principles.

Sub-clause (iv) of clause (*a*) of sub-section (1) of section 12 of the Mysore Town Municipalities Act states that no person may be a Councillor who was a legal practitioner whose sannad has been withdrawn by the High Court. There is no reference to a sannad in the Legal Practitioners Act and the provision as it now stands is inoperative. It is therefore thought desirable to adopt the phraseology of that enactment and also to bring the Mysore Town Municipalities Act in line with the Government of Mysore Act in respect of this disqualification. The present amendment to the Mysore Town Municipalities Act is proposed with these objects.

THE MYSORE TOWN MUNICIPALITIES (FIRST AMENDMENT) BILL.

WHEREAS it is expedient further to amend the Mysore Town Municipalities Act, 1933;

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Town Municipalities (First Amendment) Act, 194

(2) It shall come into force at once.

2. In sub-section (1) of section 12 of the Mysore Town Municipalities Act, 1933 :—

(1) For sub-clause (iv) of clause (A) (*a*) the following sub-clause shall be substituted, namely—

"(iv) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter case being operative during the period of such suspension or the term of the Municipal Council whichever is longer, or".

(2) In proviso (*b*) the brackets and figures "(iv)" and the word "withdrawal" shall be omitted.

---

4. THE MYSORE MINOR MUNICIPALITIES (FIRST AMENDMENT) BILL.

Statement of Principles.

Section 9 of the Mysore Minor Municipalities Act which sets out the general disqualifications for being a Councillor has no provision for disqualifying a legal practitioner who has been dismissed or suspended from practising as such. It is thought desirable to amend the Mysore Minor Municipalities Act so as to bring it in line with certain amendments proposed in respect of the Mysore City and Town Municipalities Acts. This amendment adopts the phraseology of the Legal Practitioners Act and brings the Minor Municipalities Act in line with the Government of Mysore Act in respect of this disqualification.

THE MYSORE MINOR MUNICIPALITIES (FIRST AMENDMENT) BILL.

WHEREAS it is expedient to amend the Mysore Minor Municipalities Act, 1933;

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Minor Municipalities (First Amendment) Act, 194

(2) It shall come into force at once.

2. After sub-clause (iii) of clause (*a*) of sub-section (1) (A) of section 9 of the Mysore Minor Municipalities Act, 1933, the following clause shall be inserted, namely :—

"(iv) if having been a legal practitioner he has been dismissed or is under suspension by

order of a competent Court, the disqualification in the latter case being operative during the period of such suspension or the term of the Municipal Council, whichever is longer, or".

Office copy

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. RL593.....Legis 32-424

General & Revenue Secretariat,
Dated, BANGALORE, 17th November 1942.

: NOTIFICATION :

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore District Boards (Amendment) Bill together with the Statement of Objects and Reasons.

By Order,

Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette and for the supply of copies 350 to the Secretariat.

Copy to the Translation Section

Memo No RL 594 dated 17-11-42

Copy of the above is forwarded with
PR.10. compliments to the Secretary, Legislative
council for information

Also 6 Cl. M'palike 1st amt
7 Town " "
8 Muir " "

5. THE MYSORE DISTRICT BOARDS (AMENDMENT) BILL.

Statement of objects and Reasons

~~Statement of Principles.~~

Sub-section (1) of section 10 of the Mysore District Boards Act sets out disqualifications which will prevent a person from being a member of the District Board. Sub-clause (*f*) of this sub-section states that no person may be a member of a District Board who is a legal practitioner whose sannad has been suspended by the High Court. There is no reference to a sannad in the Legal Practitioners Act and the provision as it now stands is inoperative. It is therefore thought desirable to adopt the phraseology of that enactment and also to bring the District Boards Act in line with the Government of Mysore Act in respect of this disqualification. The present amendment to the Mysore District Boards Act is proposed with these objects.

THE MYSORE DISTRICT BOARDS (AMENDMENT) BILL.

WHEREAS it is expedient further to amend the Mysore District Boards Act, 1926;

It is hereby enacted as follows :—

Short title and commencement

1. (1) This Act may be called the Mysore District Boards (Amendment) Act, 194 .

(2) It shall come into force at once.

Amendment of Section 10, Act III of 1926

2. In sub-section (1) of section 10 of the Mysore District Boards Act, 1926 :—

(1) For sub-clause (*d*) of clause A, the following sub-clause shall be substituted, namely—

"(*d*) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter ~~case~~ being operative during the period of such suspension or the term of the District Board whichever is longer, or".

(2) Sub-clause (*f*) of clause A shall be omitted.

(3) In proviso (*b*), the brackets and letter "(*d*)" and the word "withdrawal" shall be omitted.

Hair copy.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. R.595.....Legi 33-42-1

General & Revenue Secretariat,
Dated, BANGALORE, 17th November 1942.

: NOTIFICATION :

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore City Municipalities (First Amendment) Bill together with the Statement of Objects and Reasons.

By Order,
B. Ramakrishnaiya
Jr. Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette and for the supply of copies to the Secretariat.

Copy to the Translation Section

Memo No. R.595 dated Bangalore 17-11-4

Copy of the above is forwarded with compliments to the Secretary, Legislative Council for information

PR.10.

6. THE MYSORE CITY MUNICIPALITIES (FIRST AMENDMENT) BILL.

Statement of Objects and Reasons

Statement of Principles.—

Sub-clause (iv) of clause (*a*) of sub-section (1) (A) of section 12 of the Mysore City Municipalities Act states that no person may be a Councillor who was a legal practitioner whose sannad has been withdrawn by the High Court. There is no reference to a sannad in the Legal Practitioners Act and the provision as it now stands is inoperative. It is therefore thought desirable to adopt the phraseology of that enactment and also to bring the Mysore City Municipalities Act in line with the Government of Mysore Act in respect of this disqualification. The present amendment to the Mysore City Municipalities Act is proposed with these objects.

THE MYSORE CITY MUNICIPALITIES (FIRST AMENDMENT) BILL.

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933 ;

It is hereby enacted as follows :—

Short title and commencement

1. (1) This Act may be called the Mysore City Municipalities (First Amendment) Act, 194

(2) It shall come into force at once.

Amendment of Section 12. Act VII of 1933

2. In sub-section (1) of section 12 of the Mysore City Municipalities Act, 1933 :—

(1) For sub-clause (iv) of clause (A) (*a*) the following sub-clause shall be substituted, namely—

> " (iv) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter case being operative during the period of such suspension or the term of the Municipal Council whichever is longer, or."

"No proviso" provided for

(2) In proviso (*b*) the brackets and figures " (iv) " and the word " withdrawal " shall be omitted.

Hard copy

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. R.S.97...../Legis 34-42-1

General & Revenue Secretariat,
Dated, BANGALORE, 17th November 1942.

: NOTIFICATION :

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore Town Municipalities (Fourth Amendment) Bill together with the Statement of Objects and Reasons.

By Order,

B.V. Ramakrishnaiya
for Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette and for the supply of copies 35 to the Secretariat.

Copy forwarded to the Translation Section

Memo No R.S.98 dated Bangalore 17-11-42

Copy of the above is forwarded with compliments to the Secretary, Legislature council, for information

PR.10.

7. THE MYSORE TOWN MUNICIPALITIES (FIRST AMENDMENT) BILL.

Statement of Objects and Reasons

~~—Statement of Principles.~~

Sub-clause (iv) of clause (*a*) of sub-section (1) of section 12 of the Mysore Town Municipalities Act states that no person may be a Councillor who was a legal practitioner whose sannad has been withdrawn by the High Court. There is no reference to a sannad in the Legal Practitioners Act and the provision as it now stands is inoperative. It is therefore thought desirable to adopt the phraseology of that enactment and also to bring the Mysore Town Municipalities Act in line with the Government of Mysore Act in respect of this disqualification. The present amendment to the Mysore Town Municipalities Act is proposed with these objects.

THE MYSORE TOWN MUNICIPALITIES (FIRST AMENDMENT) BILL.

WHEREAS it is expedient further to amend the Mysore Town Municipalities Act, 1933;

It is hereby enacted as follows :—

Short title and commencement

1. (1) This Act may be called the Mysore Town Municipalities (First Amendment) Act, 194 .

(2) It shall come into force at once.

Amendment of Section 12, Act VIII of 1933

2. In sub-section (1) of section 12 of the Mysore Town Municipalities Act, 1933 :—

(1) For sub-clause (iv) of clause (A) (*a*) the following sub-clause shall be substituted, namely—

> "(iv) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter case being operative during the period of such suspension or the term of the Municipal Council whichever is longer, or".

(2) In proviso (*b*) the brackets and figures "(iv)" and the word "withdrawal" shall be omitted.

Hair copy

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. RL 599 ... Legis 35-42-1

General & Revenue Secretariat,
Dated, BANGALORE, 17th November 1942.

: NOTIFICATION :

Under the provisions of Rule 36 of the Mysore Legislative Rules, 1941, the Dewan has been pleased to order the publication in the Gazette of the accompanying Mysore Minor Municipalities (Third Amendment) Bill together with the Statement of Objects and Reasons.

By Order,
B.P. Ramakrishnaya
for Secretary to Government,
Law Department.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette and for the supply of copies 350 to the Secretariat.

Copy forwarded to the Translation Section

Memo No RL 600 dated Bangalore 7-11-42

Copy of the above is forwarded with compliments to the Secretary, Legislative council for information

PR.10.

8. THE MYSORE MINOR MUNICIPALITIES (FIRST AMENDMENT) BILL.

Statement of objects and Reasons

~~Statement of Principles.~~

Section 9 of the Mysore Minor Municipalities Act which sets out the general disqualifications for being a Councillor has no provision for disqualifying a legal practitioner who has been dismissed or suspended from practising as such. It is thought desirable to amend the Mysore Minor Municipalities Act so as to bring it in line with certain amendments proposed in respect of the Mysore City and Town Municipalities Acts. This amendment adopts the phraseology of the Legal Practitioners Act and brings the Minor Municipalities Act in line with the Government of Mysore Act in respect of this disqualification.

THE MYSORE MINOR MUNICIPALITIES (FIRST AMENDMENT) BILL.

WHEREAS it is expedient to amend the Mysore Minor Municipalities Act, 1933;

It is hereby enacted as follows :—

Short title and commencement

1. (1) This Act may be called the Mysore Minor Municipalities (First Amendment) Act, 194 .

(2) It shall come into force at once.

Insertion of a new sub-clause in Section 9, Act ~~VIII~~ IX of 1933

2. After sub-clause (iii) of clause (*a*) of sub-section (1) (A) of section 9 of the Mysore Minor Municipalities Act, 1933, the following clause shall be inserted, namely :—

"(iv) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter case being operative during the period of such suspension or the term of the Municipal Council, whichever is longer, or".

November 1942.

To

The Secretary,
Legislative Council.

xx

Sir,

I give notice of amendments to certain Bills as noted below which I intend moving at the ensuing Session of the Legislative Council, December 1942:-

1. The Mysore District Boards (Amendment) Bill.

Motion: That in the proposed sub-clause (d) of clause A of sub-section (1) of Section 10, the words "or the term of the District Board, whichever is longer" be omitted.

2. The Mysore City Municipalities (First Amendment) Bill.

Motion: That in the proposed sub-clause (iv) of clause (A)(a) of sub-section (1) of Section 12, the words, "or the term of the Municipal Council, whichever is longer" be omitted.

3. The Mysore Town Municipalities (First Amendment) Bill.

Motion: That in the proposed sub-clause (iv) of clause (A)(a) of sub-section (1) of Section 12, the words, "or the term of the Municipal Council, whichever is longer" be omitted.

4. The Mysore Minor Municipalities (First Amendment) Bill.

Motion: That in the proposed sub-clause (iv) of clause (a) of sub-section (1)(A) of Section 9, the words, "or the term of the Municipal Council, whichever is longer" be omitted.

I have etc.

Secretary to Government,
Law Department.

28.11.42

Cp

THE MYSORE DISTRICT BOARDS (AMENDMENT) BILL.

As passed by the Legislative Council.

WHEREAS it is expedient further to amend the Mysore District Boards Act, 1926;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore District Boards (Amendment) Act, 194 .

(2) It shall come into force at once.

Amendment of Section 10 of Act III of 1926.

2. In sub-section (1) of section 10 of the Mysore District Boards Act, 1926 :—

(1) For sub-clause (*d*) of clause A, the following sub-clause shall be substituted, namely—

"(*d*) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter case being operative during the period of such suspension or".

(2) Sub-clause (*f*) of clause A shall be omitted.

(3) In proviso (*b*), the brackets and letter "(*d*)" and the word "withdrawal" shall be omitted.

D. H. Chandrasekharaiya 16/12

PRESIDENT.
Legislative Council.

BKR
16.12.42

THE MYSORE CITY MUNICIPALITIES (FIRST AMENDMENT) BILL.

As Passed by the Legislative Council.

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Mysore City Municipalities (First Amendment) Act, 194 .

(2) It shall come into force at once.

Amendment of Section 12 of Act VII of 1933.

2. In sub-section (1) of section 12 of the Mysore City Municipalities Act, 1933:—

(1) For sub-clause (iv) of clause (A) (*a*) the following sub-clause shall be substituted, namely—

"(iv) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter case being operative during the period of such suspension or."

(2) In proviso (*b*) the brackets and figures "(iv) and the word "withdrawal" shall be omitted.

D. H. Chandrasekharaiya
16/12

PRESIDENT.
Legislative Council.

BKR
16-12-42

THE MYSORE TOWN MUNICIPALITIES (FIRST AMENDMENT) BILL.

As Passed by the Legislative Council.

WHEREAS it is expedient further to amend the Mysore Town Municipalities Act, 1933;

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Town Municipalities (First Amendment) Act, 194 . Short title and commencement.

(2) It shall come into force at once.

2. In sub-section (1) of section 12 of the Mysore Town Municipalities Act, 1933 :— Amendment of Section 12 of Act VIII of 1933.

(1) For sub-clause (iv) of clause (A) (*a*) the following sub-clause shall be substituted, namely—

"(iv) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter case being operative during the period of such suspension or".

(2) In proviso (*b*) the brackets and figures "(iv)" and the word "withdrawal" shall be omitted.

D. H. Chandrasekharaiya
16/12

PRESIDENT.
Legislative Council.

16.12.42

THE MYSORE MINOR MUNICIPALITIES (FIRST AMENDMENT) BILL.

As Passed by the Legislative Council.

WHEREAS it is expedient to amend the Mysore Minor Municipalities Act, 1933;

Short title and commencement.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Minor Municipalities (First Amendment) Act, 194 .

(2) It shall come into force at once.

Insertion of a new sub-clause in Section 9 of Act IX of 1933.

2. After sub-clause (iii) of clause (*a*) of sub-section (1) (A) of section 9 of the Mysore Minor Municipalities Act, 1933, the following clause shall be inserted, namely :—

"(iv) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter case being operative during the period of such suspension or".

D. H. Chandrasekharaya
PRESIDENT. 16/12
Legislative Council.

BKR
16.12.42

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. Legis 51-42-1 Dated, Bangalore, 28th Jan 1943

Ordered that the accompanying Mysore District Boards (Amendment) Act 1943

which received the assent of His Highness the Maharaja, on the 15th day of January 1943, be published as Act No. X of 1943, in the *Mysore Gazette*, for general information.

Cus 1
29/43

BDR
25.1.43

General Secretary to Government.

Law Department
12/1/43

To

(1) The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

(2) Copy to the Translation Section

Fair copy

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Order No. R.L.W../Legis. 51-42-1.

Dated, BANGALORE, ~~30th~~ 30th January 1943.

Ordered that the accompanying Mysore District Boards (Amendment) Act, 1943, which received the assent of His Highness the Maharaja on the 15th day of January 1943, be published as Act No. X of 1943, in the Mysore Gazette, for general information.

B K Ramakrishnaraya
Jr Secretary to Government,
Law Department.
30

To

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

Copy to the Translation Section.

As passed by the Legislative Council

Act X of 1943

THE MYSORE DISTRICT BOARDS (AMENDMENT) ~~BILL.~~ Act 1943

(Received the assent of His Highness the Maharaja on the 15th day of January 1943)

WHEREAS it is expedient further to amend the Mysore District Boards Act, 1926;

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore District Boards (Amendment) Act, 1943. Short title and commencement.

(2) It shall come into force at once.

2. In sub-section (1) of section 10 of the Mysore District Boards Act, 1926 :— Amendment of Section 10 of Act III of 1926.

(1) For sub-clause (*d*) of clause A, the following sub-clause shall be substituted, namely—

"(*d*) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter case being operative during the period of such suspension, or ".

(2) Sub-clause (*f*) of clause A shall be omitted.

(3) In proviso (*b*), the brackets and letter "(*d*)", and the word "withdrawal" shall be omitted.

(Sd). N. Madhava Rau

Dewan

15

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. Legis 52-42-1 Dated, Bangalore, 28th Jan 1943

Ordered that the accompanying Mysore City Municipalities (Third Amendment) Act 1943

which received the assent of His Highness the Maharaja, on the 15th day of January 1943, be published as Act No. XI of 1943, in the *Mysore Gazette*, for general information.

29/1

28.1.43 *General Secretary to Government.*
Law Department

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

Copy to the Translation Section

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PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

ORDER NO. ..R.L.748.../Legis.52-42-1

Dated, Bangalore, 20th January 1943.

Ordered that the accompanying Mysore City Municipalities (First Amendment) Act, 1943, which received the assent of His Highness the Maharaja on the 15th day of January 1943, be published as Act No. XI of 1943 in the Mysore Gazette for general information.

BKRamakrishnaiya
Jr Secretary to Government,
Law Department.
20

To:-

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada as per standing orders.

Copy to the Translation Section.

PRS

As passed by the Legislative Council

Act No IL 1943

THE MYSORE CITY MUNICIPALITIES (FIRST AMENDMENT) BILL.

Act 1943

(Received the assent of His Highness the Maharaja on the 15th day of Jan 194

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Mysore City Municipalities (First Amendment) Act, 1943.

(2) It shall come into force at once.

Amendment of Section 12 of Act VII of 1933.

2. In sub-section (1) of section 12 of the Mysore City Municipalities Act, 1933:—

(1) For sub-clause (iv) of clause (A) (*a*) the following sub-clause shall be substituted, namely—

"(iv) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter case being operative during the period of such suspension, or;"

(2) In proviso (*b*) the brackets and figures "(iv)" and the word "withdrawal" shall be omitted.

(Sd) N. Madhava Rau
Dewan

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. Legis 53-42-1 Dated, Bangalore, 28th Jan 1943

Ordered that the accompanying Mysore Town Municipalities (Third Amendment) Act 1943

which received the assent of His Highness the Maharaja, on the 15th day of January 1943, be published as Act No. XII of 1943, in the *Mysore Gazette*, for general information.

28/1/43

28-1-43 *General Secretary to Government.*
Law Department

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

Copy to the Translation Section.

Hon Cpy

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

ORDER NO. R.L.749../Legis.53-42-1.

Dated, Bangalore, 30th January 1943.

Ordered that the accompanying Mysore Town Municipalities (First Amendment) Act, 1943, which received the assent of His Highness the Maharaja on the 15th day of January 1943, be published as Act No.XII of 1943, in the Mysore Gazette, for general information.

B.K. Ramakrishnaiya

In Secretary to Government,
Law Department.

To:-

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

Copy to the Translation Section.

PRS.

As passed by the Legislative Council

Act No XII of 1943

THE MYSORE TOWN MUNICIPALITIES (FIRST AMENDMENT) ~~BILL~~ Act 1943

(Received the assent of His Highness the Maharaja on the 15th day of January 1943)

WHEREAS it is expedient further to amend the Mysore Town Municipalities Act, 1933;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore Town Municipalities (First Amendment) Act, 1943.

(2) It shall come into force at once.

Amendment of Section 12 of Act VIII of 1933.

2. In sub-section (1) of section 12 of the Mysore Town Municipalities Act, 1933 :—

(1) For sub-clause (iv) of clause (A) (*a*) the following sub-clause shall be substituted, namely—

"(iv) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter case being operative during the period of such suspension, or".

(2) In proviso (*b*) the brackets and figures "(iv)" and the word "withdrawal" shall be omitted.

(Sd). M. Madhava Rao,
Dewan

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. Legis 54-42-1 Dated, Bangalore, 28th Jan 1943

Ordered that the accompanying Mysore Hindu Municipalities (First Amendment) Act 1943

which received the assent of His Highness the Maharaja, on the 15th day of January 1943, be published as Act No. XIII of 1943, in the *Mysore Gazette*, for general information.

Secretary 1/ 28/1/43

~~General~~ *Secretary to Government.*

28.1.43 Law Department

To

The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

Copy to the Translation Section

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PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

ORDER NO. RL 750.../Legis.54-42-1.

Dated, Bangalore, ~~28th~~ 30th January 1948.

Ordered that the accompanying Mysore Minor Municipalities (First Amendment) Act, 1948, which received the assent of His Highness the Maharaja on the 15th day of January 1948, be published as Act No.XIII of 1948, in the Mysore Gazette, for general information.

B K Ramaprasad Iyengar
Jr Secretary to Government,
Law Department.
20.

To:-

The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

Copy to the Translation Section.

PRS.

As passed by the Legislative Council

Act No XIII of 1943

THE MYSORE MINOR MUNICIPALITIES (FIRST AMENDMENT) ~~BILL~~ Act 1943.

(Received the assent of His Highness the Maharaja on 15-1-43)

WHEREAS it is expedient to amend the Mysore Minor Municipalities Act, 1933;

Short title and commencement.

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Minor Municipalities (First Amendment) Act, 1943.

(2) It shall come into force at once.

Insertion of a new sub-clause in Section 9 of Act IX of 1933.

2. After sub-clause (iii) of clause (*a*) of sub-section (1) (A) of section 9 of the Mysore Minor Municipalities Act, 1933, the following clause shall be inserted, namely :—

"(iv) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter case being operative during the period of such suspension, or".

(Sd) N. Madhava Rau
Dewan

NOTIFICATION.

Order No. Rl. 747—*Legis.* 51-42-1, *dated Bangalore, the* 30*th January* 1943.

Ordered that the accompanying Mysore District Boards (Amendment) Act, 1943, which received the assent of His Highness the Maharaja on the 15th day of January 1943, be published as Act No. X of 1943, in the *Mysore Gazette*, for general information.

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

ACT No. X of 1943.

THE MYSORE DISTRICT BOARDS (AMENDMENT) ACT, 1943

(*Received the assent of His Highness the Maharaja on the Fifteenth day of January 1943*)

WHEREAS it is expedient further to amend the Mysore District Boards Act, 1926;

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore District Boards (Amendment) Act, 1943. Short title and commencement.

(2) It shall come into force at once.

2. In sub-section (1) of section 10 of the Mysore District Boards Act, 1926 :— Amendment of Section 10 of Act III of 1926.

(1) For sub-clause (*d*) of clause A, the following sub-clause shall be substituted, namely—

"(*d*) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter case being operative during the period of such suspension or"

(2) Sub-clause (*f*) of clause A shall be omitted.

(3) In proviso (*b*), the brackets and letter "(*d*)" and the word "withdrawal" shall be omitted.

N. MADHAVA RAU,
Dewan.

Price: Re. 0-0-3.

Printed by the Superintendent at the Government Press, Bangalore.

NOTIFICATION.

Order No. Rl. 748—*Legis.* 52-42-1, *dated Bangalore, the* 30*th January* 1943.

Ordered that the accompanying Mysore City Municipalities (First Amendment) Act, 1943, which received the assent of His Highness the Maharaja on the 15th day of January 1943, be published as Act No. XI of 1943 in the *Mysore Gazette* for general information.

C. NARAYANASWAMY NAIDU,
Secretary to Government,
Law Department.

ACT No. XI OF 1943.

THE MYSORE CITY MUNICIPALITIES (FIRST AMENDMENT) ACT, 1943.

(Received the assent of His Highness the Maharaja on the fifteenth day of January 1943.)

WHEREAS it is expedient further to amend the Mysore City Municipalities Act, 1933;

It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Mysore City Municipalities (First Amendment) Act, 1943.

(2) It shall come into force at once.

Amendment of Section 12 of Act VII of 1933.

2. In sub-section (1) of Section 12 of the Mysore City Municipalities Act, 1933:—

(1) For sub-clause (iv) of clause (A) (*a*) the following sub-clause shall be substituted, namely:—

"(iv) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter case being operative during the period of such suspension or".

(2) In proviso (*b*) the brackets and figures "(iv)" and the word "withdrawal" shall be omitted.

N. MADHAVA RAU,
Dewan.

Price: 0-0-3.

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NOTIFICATION.

Order No. Rl. 749—*Legis.* 53-42-1, *dated Bangalore, the* 30*th January* 1943.

Ordered that the accompanying Mysore Town Municipalities (First Amendment) Act, 1943, which received the assent of His Highness the Maharaja on the 15th day of January 1943, be published as Act XII of 1943, in the *Mysore Gazette* for general information.

C. NARAYANASWAMI NAIDU,
Secretary to Government,
Law Department.

ACT No. XII OF 1943

THE MYSORE TOWN MUNICIPALITIES (FIRST AMENDMENT) ACT, 1943.

(*Received the assent of His Highness the Maharaja on the Fifteenth day of January 1943.*)

WHEREAS it is expedient further to amend the Mysore Town Municipalities Act, 1933;

It is hereby enacted as follows :—

1. (1) This Act may be called the Mysore Town Municipalities (First Amendment) Act, 1943. Short title and commencement.

(2) It shall come into force at once.

2. In sub-section (1) of section 12 of the Mysore Town Municipalities Act, 1933 :— Amendment of Section 12 of Act VIII of 1933.

(1) For sub-clause (iv) of clause (A) (*a*) the following sub-clause shall be substituted, namely—

"(iv) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter case being operative during the period of such suspension or"

(2) In proviso (*b*) the brackets and figures "(iv)" and the word "withdrawal" shall be omitted.

N. MADHAVA RAU,
Dewan.

Price : 0-0-3

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NOTIFICATION.

Order No. Rl. 750– Legis. 54-42-1, dated Bangalore, the 30th January 1943.

Ordered that the accompanying Mysore Minor Municipalities (First Amendment) Act, 1943, which received the assent of His Highness the Maharaja on the 15th day of January 1943, be published as Act XIII of 1943 in the *Mysore Gazette* for general information.

C. NARAYANASWAMI NAIDU,

Secretary to Government,
Law Department.

ACT No. XIII OF 1943.

THE MYSORE MINOR MUNICIPALITIES (FIRST AMENDMENT) ACT, 1943.

(Received the assent of His Highness the Maharaja on the Fifteenth day of January 1943.)

WHEREAS it is expedient to amend the Mysore Minor Municipalities Act, 1933;

It is hereby enacted as follows :—

Short title and commencement.

1. (1) This Act may be called the Mysore Minor Municipalities (First Amendment) Act, 1943.

(2) It shall come into force at once.

Insertion of a new sub-clause in Section 9 of Act IX of 1933.

2. After sub-clause (iii) of clause (*a*) of sub-section (1) (A) of section 9 of the Mysore Minor Municipalities Act, 1933, the following clause shall be inserted, namely :—

"(iv) if having been a legal practitioner he has been dismissed or is under suspension by order of a competent Court, the disqualification in the latter case being operative during the period of such suspension or"

N. MADHAVA RAU,

Dewan.

Price Re: 0-0-3.

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